

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 October 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Hyde Park	
Subject of Report	Arvon Court, 3-5 Titchborne Row, London, W2 2PZ		
Proposal	Erection of a roof extension to add two, 1 bedroom flats with associated internal alterations. Alterations to windows and doors including the installation of secondary glazing. Internal refurbishment including the removal and addition of partitions.		
Agent	Simon Plowman		
On behalf of	Mr Faris Al-Derzi		
Registered Number	21/00619/FULL 21/00620/LBC	Date amended/ completed	16 February 2021
Date Application Received	2 February 2021		
Historic Building Grade	II		
Conservation Area	Bayswater		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

- 1: Grant conditional permission.
- 2: Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the erection of a mansard roof extension across 3-5 Titchborne Row for use as 2 self-contained residential units. It is also proposed to refurbish the existing 18 units located within the existing building and for the alteration to and replacement of windows to front and rear. The building is grade II listed and located within the Bayswater Conservation Area.

Objection has been received from a neighbour and an ex councillor raising issues regarding the case including amenity, design and issues with the application documents. During the course of the

application a daylight and sunlight report has been submitted and additional information in relation to historic building issues. It is also no longer proposed to amend the number of units within the existing building.

The key considerations in this case are:

- The acceptability of the proposed alterations in design terms.
- The impact of the proposed alterations on the character and appearance of the Bayswater Conservation Area and the setting of the grade II listed building.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the proposals in land use terms.

While the size of the new units are smaller than what is desirable, on balance and for the reasons set out within this report, the application is considered in accordance with policies within Westminster's City Plan (2019-2040) and therefore the applications are recommended for approval subject to conditions as set out on the draft decision letters.

3. LOCATION PLAN

4.



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5. PHOTOGRAPHS



Front elevation

6. CONSULTATIONS

6.1 Application Consultations

EX CLLR COX

- Request that the application is presented at a planning committee.
- Possible detrimental impact due to increase in height.
- No policy compliant mix, with no family-sized flats.
- A daylight and sunlight survey should be provided
- Welcome the general intention of upgrading the building, however the building is noted in the Bayswater Conservation Area Audit as being one which is not suitable for a roof extension.
- Drawings do not show the dimensions of the proposed increase in height.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER:

No objection, recommend conditions in relation to waste and cycle storage.

WASTE PROJECT OFFICER

Raise objection as drawings indicate waste storage not in line with council guidance.

ENVIRONMENTAL SCIENCES:

Raise objection on the following grounds:

- The proposed floor plans indicate flats at basement level with living areas that may not receive sufficient natural light.
- Concerns in relation to first floor flats as kitchen areas are separated by sliding doors, which may not prevent fire spreading and compromise the means of escape. Note that the applicant should seek suitable Building Control Approval.

BUILDING CONTROL

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 151

No. of objections: 3 from 2 adjacent occupiers on the following grounds:

Amenity:

- Negative impact of additional height on adjacent living and outside spaces.

Design & Conservation

- The mansard is not in keeping with the conservation area and listed building
- Precedence will be set.
- Improvements justify additional height, public will only see a white metal downpipe which does not justify additional height.

Other:

- Drawings do not give dimensions
- A daylight and sunlight report is required

- Existing building is poorly run with issues including anti-social behaviour, illegal activities, rubbish and constant short term letting. Increasing the number of residents will not improve management and lead to a further negative impact on the local community.

Following the submission of a daylight and sunlight report and re-consultation with neighbours, one response from one of the previous objectors has been received stating that within the daylight and sunlight report the building heights do not correspond to the levels shown on the architects drawings. Objectors building should be considered.

PRESS NOTICE/ SITE NOTICE:

Yes

6.2 Applicant's Pre-Application Community Engagement

The submission does not include a statement of community involvement, or any other details of early community engagement. Whilst the City Council encourages early community engagement on all applications, there is no obligation on the developer to do so.

7. WESTMINSTER'S DEVELOPMENT PLAN

7.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

7.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

7.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

8. BACKGROUND INFORMATION

8.1 The Application Site

Arvon Court has five levels set over basement, ground and three upper levels. The building is in use as 18 self contained apartments with two points of access; one from No. 3; and one for No. 5 Titchbourne Row. The two properties are centrally divided, so it is not possible to pass internally between No.3&5. Each property has a two storey infill extension to the rear at basement and ground floor levels, which provides additional accommodation for the flats at those levels. Southwich Yard runs around the north and rear of the site, separating the site from the rear of the properties on Hyde Park Crescent and Hyde Park Street.

The building is grade II listed and located within the Bayswater Conservation Area.

The rear of the building is overlooked by properties on both Connaught Street and Hyde Park Street.

8.2 Recent Relevant History

There is no recent history for this site, however records indicate that the site was converted to its current arrangement in the late 1950's.

9. THE PROPOSAL

During the course of the application, the proposals have been amended so that the number of units within the building are maintained (and not amalgamated) and further statements in relation to the rear render provided for historic building reasons.

The proposals are now for the erection of a mansard roof extension to allow for the addition of two 1 bedroom flats. Alterations and replacement of rear windows. Refurbishment of render to front and rear. Internal alterations and refurbishments are proposed to all of the 18 flats within the building.

10. DETAILED CONSIDERATIONS

10.1 Land Use

All of the 18 one bedroom units are to be retained as existing, with the exception of two flats at third floor level which will need to be reduced in size slightly in order to allow for the continuation of the stair cores up to the new fourth floor mansard level. The new front door to the fourth floor flats will be located on the existing third floor landing.

Objection has been received from Environmental Sciences with concerns in relation to light to some units at basement level. As the proposals are not for new units, but their refurbishment, planning permission is not required for these alterations and therefore this objection cannot be sustained. The refurbishment and upgrading of the existing units is welcomed to provide a better standard of accommodation.

The two new flats within the mansard measure approximately 33sqm. This is below the 37sqm required for a 1 bedroom studio flat as required by the London Plan and Technical Housing Standards (March 2015), which is contrary to Policy 12. However these two units are considerably larger than the existing units within the two buildings, and while small, they provide a separate bedroom to the open plan kitchen/living/dining space. The units also do not provide any external amenity space. Given the particular context of this site, with existing small units on the floors below, the optimisation of the site to provide 2 additional units, and given the constraints raised due to the listed nature of the building, the accommodation is on balance considered acceptable in this particular case. It will also help meet the requirements of Policy 8, which seeks to optimise housing delivery.

An Ex Cllr has objected on the grounds that the proposals do not provide a mix of units, or any family sized units. As only two units are proposed, it is not considered that the 25% requirement for family sized units under Policy 10 can be justified. It is also noted that the roof extension is limited in terms of its size and form given the listed nature of the site and the requirement for a suitable design in conservation area terms. The provision of 2 units matches the character of the building and optimises the site.

Affordable Housing

The proposal for two new units does not trigger the requirement for affordable housing under policy 9 (Affordable Housing) of the City Plan.

10.2 Environment & Sustainability

Sustainable design and Energy performance

The proposals include the provision of a new roof through the erection of the mansard roof extension, this will result in enhanced insulation, improving the efficiency of the building. In addition, the provision of slimline double glazed windows are proposed to the rear, and secondary glazing, where possible to the front elevation. These replace and improve single glazed units and will improve the energy efficiency of the building. It is also proposed to replace the existing opaque glazing to the rear with clear glazing, which will improve natural light and reduce the requirement for electric lights within the units.

The development is of insufficient scale to require the provision of BREEAM assessments, however where possible in listed building terms, the refurbishment of the building will result in improvements to the efficiency of the building, such as the use of LED lighting.

The proposals are considered to be in accordance with Policies 36 & 38D.

Circular Economy

The development is of insufficient scale to require the submission of a circular economy statement (Mayoral referable schemes). It is also of insufficient scale to be required to sign up to the councils Code of Construction Practice. Standard conditions are however recommended in relation to hours of building work, and to recommend that the developer signs up to the Considerate Constructors Scheme.

Air Quality

The site falls outside of any designated Air Quality Focus Area and is not a major application.

Flood Risk & Sustainable Drainage

The site is not located within one of Westminster's identified Surface Water Flooding Hotspots. The development will also not result in any additional hard surfaces, with the proposed roof simply raising the level of the existing. Given the listed nature of the building, it is not considered that a green roof would be suitable in this instance to reduce surface water runoff. It is not considered that the development will give rise to any additional flood risk above the existing situation.

Light Pollution

The proposals include alterations to the windows to the rear and for additional windows within the new mansard. It is not considered that the development will give rise to any significant increase in terms of light to the front elevation given the existing character of the area. To the rear the existing windows are opaque. It is proposed for the replacement windows to have clear glazing in order to improve the internal standard of accommodation in terms of light and outlook. While this will increase light, as the existing opaque glazing would have helped to diffuse light, given that the majority of the rooms serve bedrooms, with the exception of the uppermost levels, it is not considered that the new and additional glazing would give rise to such an increase in light spill as to warrant refusal. The benefits in terms of improving the internal living standards of the small units is also welcomed.

Odour

It is not considered that the addition of 2 units would give rise to any significant increase in terms of odour, given the existing units below and around.

Land Contamination

No excavation is proposed, therefore this is not applicable.

Environment & Sustainability Summary

Overall, the proposed new units are considered to have been designed to address our relevant policies.

10.3 Biodiversity & Greening

As mentioned above, it is not considered that a green roof would be appropriate for this site and given its contained nature and listed status, it does not give rise for other opportunities for greening, such as green walls.

10.4 Townscape, Design & Heritage Impact

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 considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 66 of the same Act requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the same Act 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."

Policy 39 of the Westminster City Plan 2019-2040 (April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance 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.

Arvon Court is a block formed of two former 1830s town houses, each of basement ground and three upper storeys with blind recesses to the centre, making the overall composition 7 bays wide. This stucco building has a prominent cornice, behind which is a concealed shallow pitched roof, at roof level the two building arrangement is evident as the party wall continues through the roof dividing in two.

Existing Roof Structure

The present roof structure, a shallow pitched roof clad in slate was, like many Georgian and early Victorian buildings in the classical idiom, purposely designed to be a low-key element, sitting unobtrusively behind the parapets. Non-visible roofs reference classical Greek and Roman antecedents, where flat roofs concealed from front views were typical. Clearly, flat roofs would not be practicable in the UK, but shallow pitches behind parapets create the visual simplicity of the classical idiom, while dealing with the vagaries of the UK climate and the present roof performs this function well. However, on inspection, it's clear that while traditional in form, the fabric of the roof is not historic, having modern timbers, in addition to being clad in artificial slate. It's unclear when these changes were made, but there is no evidence to suggest the form of a shallow pitch behind a parapet is not the original arrangement. Indeed, such roofs are commonplace on late Georgian and early Victorian buildings, in the conservation area and elsewhere.

The proposed roof extension at Arvon Court, would result in the loss of the existing roof structure and in this instance for the reasons stated above, would not result in any harm to the listed building in terms of historic fabric.

Conservation Area and listed building considerations

The Bayswater Conservation Area Audit is the adopted audit for the area and includes a map illustrating where roof extensions will not be acceptable. Arvon Court is designated as unsuitable for a roof extension, this is due to it being a standalone block, reading as a

'completed composition', with a concealed roof. Arvon Court therefore represents an example of a building typical of the conservation area in its unaltered form and scale the early development of Bayswater. As a relatively intact example of how the building would have looked, the building and its roofscape offer a positive contribution to the character and appearance of the conservation area. The roof is not visible from the street, which is appropriate as discussed earlier, but can be seen in overlooking views from taller buildings.

As such, changing that unaltered appearance would have a harmful effect on the character and appearance of the conservation area, losing as it would, a measure of understanding of the conservation area's earliest buildings. This loss would diminish the evidential significance of the conservation area as a heritage asset. This harm would be 'less than substantial'.

In terms of the building, the same evidential significance would be lost, but not the fabric significance, as it's been established that the roof structure and coverings are later.

Having established a measure of harm resulting from that part of the works, it's necessary to assess the new design and what it offers to the listed building, conservation area and any other benefits associated with the works in order to weigh in the planning balance.

The new roof would be a double pitched mansard which due to limited building depth and inset nature, would form a dual aspect room to the top floor residential units. The pitches would be 70 degree and 20 degree, with three dormers front and rear to each former townhouse. Lead clad dormers would house multiple paned sash windows. Roofing materials would be lead and Welsh slate, while the upstands and raised chimney stacks would be brickwork, with coping stones, would be conditioned to be York stone. Gables would be rendered in stucco to match existing.

If permitted, the roof extension would make the building of commensurate scale to the adjacent listed building of similar age, which turns the corner to Connaught Street. This block has a basement, ground and three upper storeys and its 3rd floor is a sheer stuccoed elevation, which appears as a later addition. Compared to that addition, the mansard on Arvon Court would be a more subordinate extension, according with the mansard guidance in Westminster's SPG 'Roofs: A Guide to Alteration and Extension on Domestic Buildings'

Conservation area considerations relate to the wider character of the area, not just the immediate impact on any given building and in this instance, it's considered that a roof extension of the form proposed would not look out of place. In addition, in the planning balance the wider benefits of any development proposal need to be assessed as to whether they mitigate any harm caused to the designated heritage asset of the building or area. In this instance there are a number of stated benefits, larger housing units, as well as improvements to existing residential units.

In design terms, the works include a wholesale refurbishment of the present residential units and the upgrading of the internal and external fabric. The front windows will be restored and refurbished, and the rear elevations metal frame windows will be replaced by sashes. There has been some discussion with officers about the rear elevation and

the fenestration arrangements proposed. The existing windows sizes and positions are not original, likely dating to the post-war period when the windows were replaced.

Given all the rear windows are to be replaced, with some openings enlarged to create better proportioned examples, it is considered important that the original window arrangement be investigated. As part of the package of public benefits addressing the objection in principle to a roof extension outlined in the audit, the applicant was encouraged to look at reinstating the original layout of the windows. This would not be apparent until the render is removed, and the original brickwork is visible in openings which do not accord with the original arrangement of openings typical of a building of this type in changing all the windows and enlarging others.

It has taken some time to establish clarity on this aspect and the applicant's Method statement for the removal of existing render, now commits to remove the render and assess the windows positions to establish what improvements can be made. The removal of cement render (to be replaced with lime stucco) is desirable long-term, as it will help the brickwork breath. The applicant has committed to assessing the position of the windows and relocating windows to more traditional situations where this will not interfere unacceptably with the internal layout. For example, this could mean windows not being centred on rooms, but in other instances, windows crossing internal partitions would be more problematic.

This aspect of the works will be carefully conditioned in order that it will be properly assessed at the time. It is hoped that this aspect of the work, if executed correctly would offer public benefits necessary to outweigh the harm of the loss of the original form of the building.

Alongside the discussion of the rear window positions, has been consideration of the windows detailed design and whether double glazing is appropriate. The windows should be double hung sliding box sashes, which are carefully designed, will be able to accommodate double glazing. Double glazing can allow very slim glazing solutions, with vacuum units of 6mm now available. Should such units be used, then the Georgian subdivision of the frames proposed could be achievable. It's essential that apart from the use of specialist glazing, their design is authentic, as applied glazing bars (stuck onto the glass) will not be acceptable. The applicants have been asked to provide details to help illustrate the appropriateness but prefers that these aspects are conditioned.

Subject to these conditions, and the others specified covering other aspects of the works, the proposals would offer sufficient public benefit to outweigh the harms identified and then be considered appropriate mitigation under the NPPF, section 16. 66 and 72 of the act and City Plan polices 38, 39 and 40.

Fire Safety

Concerns have been raised by Environmental Sciences in relation to the layout at first floor level and fire. As mentioned previously, the number of units is not being amended, therefore the internal alterations do not require planning permission. Arvon Court is less than 7-storeys and less than 18m in height, as such it is not a 'relevant building' for the purposes of requiring a Gateway One Fire Statement. The development is also not of a scale to require a London Plan Fire Statement. The development will need to gain suitable building regulations approval for the works, which will include suitable measures

for fire safety. An informative is recommended in this regard.

10.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring occupiers are assessed against Policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policies 33 and 38 C are also relevant, which seek to make sure that quality of life and health and wellbeing of existing and future occupiers, including considerations such as noise, odour and construction impacts.

Objections have been received from a number of residents requesting a daylight and sunlight report be undertaken and in relation to the impact of the development on raising issues of daylight and sunlight.

The applicant has subsequently submitted a daylight and sunlight assessment by gia, which sets out the surrounding buildings which have been tested.

Daylight & Sunlight

The daylight and sunlight (D&S) report has demonstrated that 100% of the windows tested pass the necessary tests set out by the BRE. It is noted that the BRE has recently updated their guidance, however the update has not significantly affected the way that adjacent occupiers are tested. The submitted report is therefore still considered to adequately demonstrate the impact of the development on adjacent occupiers.

An objector has stated that the building heights indicated within the D&S report are not the same as shown on the architectural drawings. It is assumed that this relates to the datum heights indicated on the 3D images within the report compared to the heights shown on the elevations. It is agreed that these levels are different, but it is not considered to affect the consideration of the application as for instance, the basement level on the architects elevation is shown as being at 47.5m, whereas the roof height is shown as 49.1m within the D&S report, it is therefore clear that the starting point for these measurements is not taken from the same level. The levels shown in the D&S are useful for showing the relative heights of adjacent buildings, with the architectural drawings allowing for dimensions of the development itself.

The objector has also requested that their property is included within the D&S report for consideration. They are set opposite the site, but offset with oblique views. The report has tested the windows directly opposite which will be more impacted by the development proposals. It indicates that these windows will see very small losses of light, well within the tolerance allowed by the BRE. Even when existing windows have poor levels of light, which would therefore result in higher percentage changes, should any losses be experienced, it is indicated that the development will have a negligible impact. It is therefore not considered that the development would have a significant impact on the objectors windows.

Sense of Enclosure

The proposed mansard will add additional bulk at fourth floor / roof level. There are residential properties on all sides of the site, which will be considered in turn.

2-10 Titchbourne Row

Located on the other side of the road (20m), these properties are set lower than the application site and look directly onto the building. They have a recessed top/third floor level, which provides a terrace to the front. Due to their separation, relationship and the form of the mansard, with a pitched roof, it is not considered that these properties will experience such a significant impact in terms of enclosure as to warrant a refusal.

1 Hyde Park Crescent

This property is located adjacent and to the north of the site. It is separated by the private access road, Southwick Yard, which runs to the rear of the site. The building has windows at ground, first and second floor levels which face down the rear of the site, down Southwick Yard. It also has doors leading out onto a roof terrace, but their aspect is to the west, away from the site. Given the location of the windows, with oblique views towards the site, and location at a lower level from the proposed extension, it is not considered that they will be significantly impacted by the end gable of the proposed roof extension.

2 Hyde Park Street / 50 Connaught Street

This large block has many windows which look out to the rear and towards the applications site. The majority of these windows are however set back, and given their separation are unlikely to experience a significant impact. There is however a three storey central section which projects out from the main rear façade of the building. The rear facing windows in this section are within closer proximity to the site, however the windows are set at a lower level, have an existing outlook onto the back elevation of the existing building, and have opaque window glazing. It is therefore not considered that the impact on these windows will be significant.

40-48 Connaught Street

These properties will likely be the most affected in terms of sense of enclosure as a result of the development. Due to the triangular layout of this street block, Titchbourne Row runs obliquely across the rear facing windows of these properties. They will therefore experience some increase in terms of sense of enclosure from the additional mass at roof level. It is however not considered that this impact would be so severe as to justify refusal. Their main aspect down Southwick Yard will be retained, and given the nature of the mansard, with a pitched roof, the impact is not considered to be so significant as to warrant refusal.

Privacy

All of the rear windows of the existing building have openable, opaque casement windows. The proposals include the replacement of the windows with more traditional sash windows. The applicant would prefer for the windows to not have opaque glass as existing, in order to improve light and living standards to the units. Changing the windows to clear glazing, will inevitably increase overlooking to the rear. The nearest and most affected windows are in the rear of 50 Connaught Street, within its 3 storey rear projecting bay, however these windows have opaque glazing, and will therefore not be affected. The other windows in the main rear elevation are set some distance away and will not be significantly affected. Alike with sense of enclosure, the main windows which would be affected would be in the rear of 40-48 Connaught Street, which given the site layout, will be in relatively close proximity at the southern end of the site. However, the aspect of these windows will not result in direct overlooking, with any views being

oblique. While the provision of opaque glazing, would ensure that any overlooking is mitigated, it is not considered that the impact of clear glass will be significant, and the benefits of improving the light and outlook to the small units is considered to outweigh the negative impact.

10.6 Transportation, Accessibility & Servicing

Highway Impact

It is not considered that the proposed additional 2 units will give rise to any significant impact on the highway.

Accessibility

The two units will be accessed in the same way as the existing units, which is considered acceptable.

Servicing and Waste & Recycling Storage

The waste project officer has objected on the grounds that the development has not provided suitable arrangements for waste and recycle storage. It is considered that suitable arrangements can be secured by condition.

Cycling & Cycle Storage

The proposed plans indicate that two of the vaults at basement level can be used for cycle storage. Given the limitations of working with listed buildings, it is noted that it is often not possible to provide a quantum of cycle parking as is required. However, the use of these vaults is welcomed, and is to be secured by suitable condition to help promote sustainable transport methods for the new and existing units.

Parking

No parking is required or provided, which is acceptable.

10.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

10.8 Other Considerations

An objection has been received on the grounds that the existing building is poorly run, causes anti-social behaviour and is often let out as short term lets. The use of any of the units for short term lets would require planning permission and is not proposed as part of this application. An informative is recommended to advise the applicant of this. In relation to the management of the building, this is a private matter, which cannot be controlled via planning legislation. Finally in relation to anti-social behaviour, it is noted that the development proposals include the refurbishment of the building, but results in the increase of two units. While the comments in relation to anti-social behaviour are noted, it is not considered that the development proposals which only result in an uplift of two units can help to mitigate these existing issues. It is hoped that through the

refurbishment of the property, the management will be improved to help address these issues. Any ongoing points should be discussed with the owner privately.

10.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

10.10 Planning Obligations & Pre-Commencement Conditions

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

The estimated CIL payment will be confirmed with their CIL application.

The application does not include any pre-commencement conditions.

11. Conclusion

Whilst being mindful of policies 38, 39 and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, as outlined within the design and conservation section of the report, the proposal is considered acceptable in terms of its impact on the designated heritage assets. Therefore, the recommendation to grant conditional permission and consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As outlined within this report the proposals are considered to be acceptable on balance, and recommended for approval, subject to conditions.

(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@westminster.gov.uk

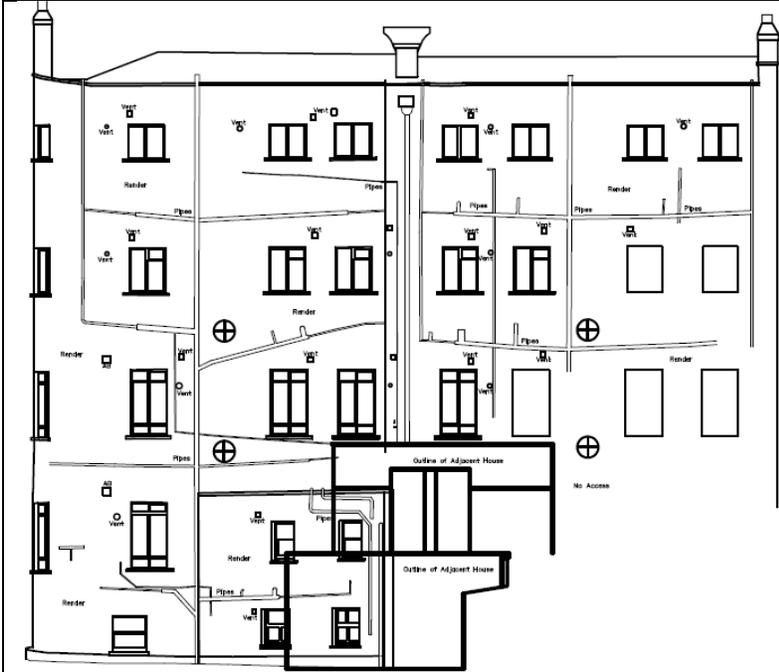
12. KEY DRAWINGS



Existing Front Elevation



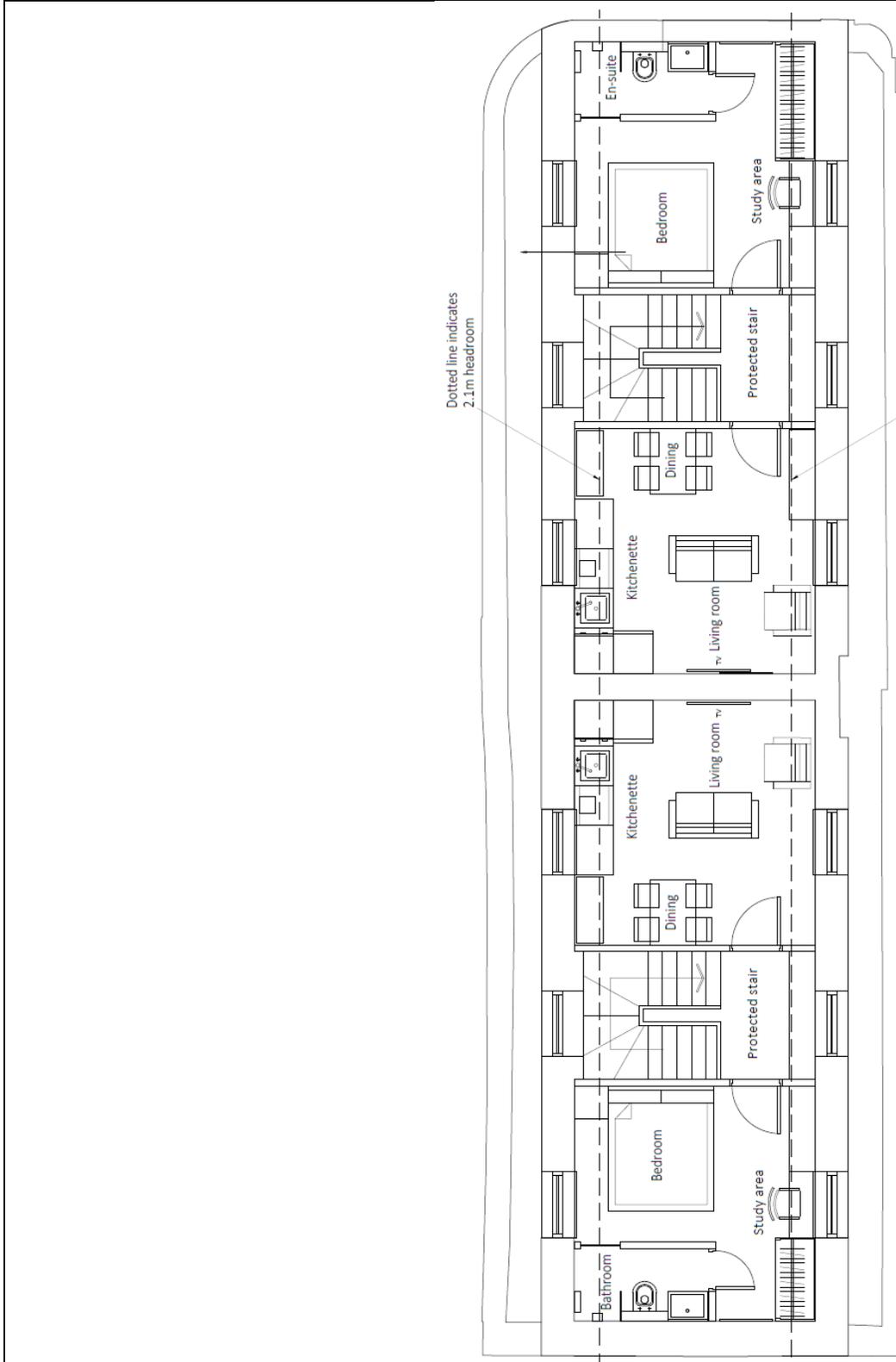
Proposed Front Elevation



Existing Rear Elevation



Proposed Rear Elevation



Proposed Fourth Floor Plan

DRAFT DECISION LETTER - 21/00619/FULL

- Address:** Arvon Court, 3 Titchborne Row, London, W2 2PZ
- Proposal:** Erection of a roof extension to add two x 1 bedroom flats with associated internal alterations (Site includes 3-5 Titchbourne Row). Alterations to windows and doors. (Amended Description)
- Plan Nos:** P1204/100 Rev A; P1204/112 Rev A; P1204/113 Rev A; P1204/114 Rev A; P1204/115 Rev A; P1204/116 Rev A; P1204/117 Rev A; P1204/118 Rev A; P1204/119 Rev B; P1204/120 Rev A; P1204/121 Rev A; P1204/122 Rev A; P1204/123 Rev A; P1204/124 Rev A; P1204/125 Rev A; P1204/126 Rev A; P1204/127 Rev A; P1204/128 Rev A.
P1204/101 Rev D; P1204/102 Rev D; P1204/103 Rev F; P1204/104 Rev E; P1204/105 Rev E; P1204/106 Rev F; P1204/107 Rev E; P1204/108 Rev C; P1204/109 Rev F; P1204/110 Rev C; P1204/111 Rev C
Method Statement for removal of existing render.
For information only: Design and Access Statement by Igloo Architecture; Historic Building Report by Donald Insall Associates; Planning Support Statement by Plan:8.
- 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 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. 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 provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the building. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 4 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 5 You must apply to us for approval of further details of the following parts of the development in accordance with the Method Statement for removal of existing render dated June 2022.

- 1) Investigation of the rear elevation's historic window openings found beneath the removed render;
- 2) Alterations to the proposed rear elevation showing restoration of the original window positions and window sizes;
- 3) Methodology for render removal and reapplication.

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.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 6 Notwithstanding the details hereby approved, you must apply to us for approval of detailed drawings and specification of the following parts of the development, (at scales 1: 1, 1:5, 1:10: 1:20 as appropriate).

- i) New windows to rear elevation;
- ii) New windows to mansard roof;
- iii) Any other windows.

Details to include, vertical and horizontal sections through joinery, including glazing and glazing bars and sections showing rebates to masonry and dormers. 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/drawings.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide

'temporary sleeping accommodation' does not exceed 90 [ninety].

2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

DRAFT DECISION LETTER - 21/00620/LBC

Address: Arvon Court, 3 Titchborne Row, London, W2 2PZ

Proposal: Erection of a roof extension to add two, 1 bedroom flats with associated internal alterations (Site includes 3-5 Titchbourne Row). Alterations to windows and doors including the installation of secondary glazing. Internal refurbishment including the removal and addition of partitions. (Linked to 21/00619/FULL)

Plan Nos: P1204/100 Rev A; P1204/112 Rev A; P1204/113 Rev A; P1204/114 Rev A; P1204/115 Rev A; P1204/116 Rev A; P1204/117 Rev A; P1204/118 Rev A; P1204/119 Rev B; P1204/120 Rev A; P1204/121 Rev A; P1204/122 Rev A; P1204/123 Rev A; P1204/124 Rev A; P1204/125 Rev A; P1204/126 Rev A; P1204/127 Rev A; P1204/128 Rev A.
P1204/101 Rev D; P1204/102 Rev D; P1204/103 Rev F; P1204/104 Rev E; P1204/105 Rev E; P1204/106 Rev F; P1204/107 Rev E; P1204/108 Rev C; P1204/109 Rev F; P1204/110 Rev C; P1204/111 Rev C
Method Statement for removal of existing render.
For information only: Design and Access Statement by Igloo Architecture; Historic Building Report by Donald Insall Associates; Planning Support Statement by Plan:8.

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:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 3 You must apply to us for approval of further details of the following parts of the development in accordance with the Method Statement for removal of existing render dated June 2022.

- 1) Investigation of the rear elevation's historic window openings found beneath the removed render;
- 2) Alterations to the proposed rear elevation showing restoration of the original window positions and window sizes;
- 3) Methodology for render removal and reapplication.

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.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 Notwithstanding the details hereby approved, you must apply to us for approval of detailed drawings and specification of the following parts of the development, (at scales 1: 1, 1:5, 110: 120 as appropriate).
 - i) New windows to rear elevation;
 - ii) New windows to mansard roof;
 - iii) Any other windows.

Details to include, vertical and horizontal sections through joinery, including glazing and glazing bars and sections showing rebates to masonry and dormers. 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/drawings.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)