

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 December 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Saxon Hall, Palace Court, London, W2 4JA		
Proposal	Demolition of existing lift overrun at roof level and construction of a single-storey roof extension to provide three additional residential units, alterations to ground floor comprising new disabled access ramp and accessibility alterations to existing main entrance and cycle parking and bin storage in the rear yard, installation of air source heat pumps at roof level.		
Agent	Keystone Planning Limited		
On behalf of	Abbey Property Management Ltd		
Registered Number	21/05530/FULL	Date amended/ completed	11 August 2021/November 2021
Date Application Received	11 August 2021		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

Saxon Hall is a residential block of flats located on the east side of Palace Court, and comprises lower ground, ground floor and 5 upper storeys and a recessed plant room/lift overrun. The building is not listed but lies within the Bayswater Conservation Area.

Permission is sought for the works to facilitate a roof extension to provide three new flats and associated alterations. Amendments have been made during the course of the application to refine the design of the extension and window positioning, to enlarge the green roof and to take into consideration comments from the Health and Safety Executive.

Representations of objection have been received to the proposals from the South East Bayswater Residents Association and local residents on land use, design, amenity and highways grounds as well as some representations of support on the same grounds.

The key issues in the determination of this application are:

- The impact of the proposed extension and alterations upon the character and appearance of the Bayswater Conservation Area; and the setting of other nearby designated heritage assets, such as the listed buildings adjoining the site;
- The impact of the proposals upon the amenity of neighbouring residential properties; and
- The acceptability of the proposed residential accommodation in terms of its, size, mix and accessibility.

The application is considered to accord with the development plan and the application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to the report.

3. LOCATION PLAN

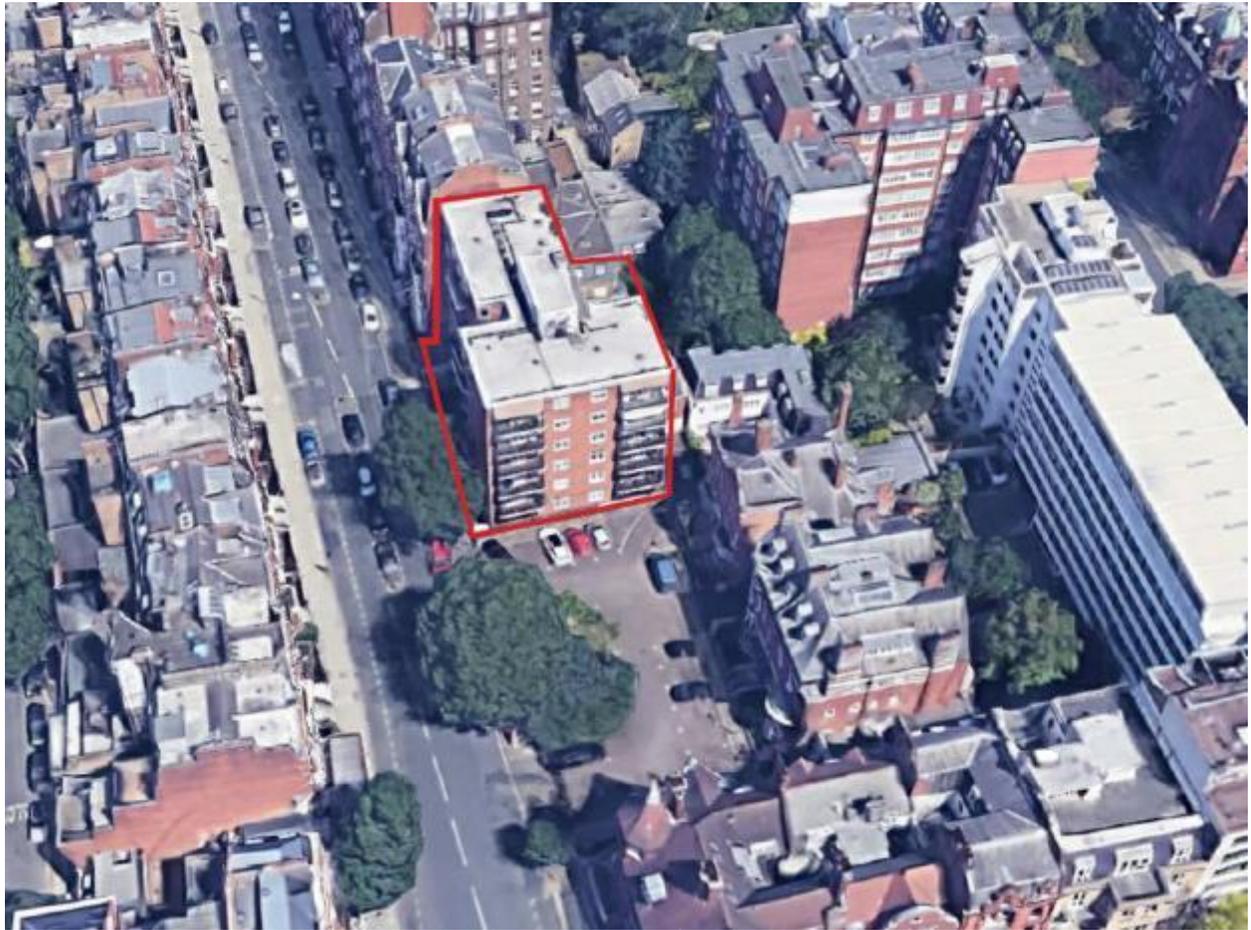


This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Saxon Hall, photo from south of Palace Court



Aerial View of Saxon Hall to show context with neighbouring buildings.

5. CONSULTATIONS

5.1 Application Consultations

ORIGINAL CONSULTATION (August 2021):

HISTORIC ENGLAND:

No comment.

ROYAL PARKS:

Any response to be reported verbally

ROYAL BOROUGH OF KENSINGTON AND CHELSEA:

No objection.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Objection. Agree with neighbours objections, proposals do not preserve or enhance the Bayswater Conservation Area.

NB: Councillor Burbridge, who was a ward councillor at the time of submission wrote to support the comments made by the South East Bayswater Residents Association (although Bayswater Residents Association was reference in the councillors comments) and the neighbour objections.

GARDEN TRUST:

No comment.

ENVIRONMENTAL HEALTH:

No objection.

WASTE PROJECT OFFICER:

No objection. Further details were requested, this has now been received and no objections are raised.

HIGHWAYS PLANNING MANAGER:

No objection subject to a condition securing 6 cycle parking spaces.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 188

No. of objections: 22 received (2 letters which are on behalf of one property; one letter representing 20 owners within Saxon Hall and one letter on behalf of 205 properties in Saxon Hall, Lancaster Close, St Olaves Court and Palace Court – see representation dated 10 September 2021)

No. in support: 5

Objections

In summary, the objectors raise the following issues:

Land Use:

- Increase in density is not suitable for this area

Design:

- Impact on appearance of property and Palace Court
- Impact on setting of Bayswater Conservation Area
- The increase in height would be out of keeping with local neighbourhood
- Roof extensions to the building have been refused in 1995 and 1996 – query what's different?
- The proposals do not preserve and enhance the character and appearance of the conservation area
- The building will appear top heavy
- The heritage assessment is as submitted for the earlier withdrawn applications and should be revised
- If the privacy screen between flats 2 and 3 was increased to overcome amenity concerns, this adds bulk to the building

Amenity:

- Loss of sunlight/daylight to occupiers of St Olaves Court
- Loss of privacy to occupiers of St Olaves Court
- Noise and disturbance from increased residential properties
- Light pollution to neighbouring properties
- The application is silent on how noise protection to existing Saxon Hall residents would be provided
- The screen proposed between new flats 2 and 3 is not high enough to protect future occupants

Highways:

- Increase in parking in surrounding streets
- Minimum cycle parking proposed and that this does not meet the provisions needed for the flats proposed

Other:

- Why should the applicant be allowed to keep resubmitting applications at this site resulting in wasted officer time and Council money
- Residents in Olaves Court and surrounding buildings not being notified by Westminster Council of application
- Only given one week to comment
- Applicant/ freeholder is aggressive and unpleasant
- The developer is not listening to the local community
- The green roof is not meaningful and merely a nod to environmental policies
- Disruption to existing residents lifts whilst works take place
- Noise and disruption during works and concerns as to health needs of existing residents in Saxon Hall
- Documents from previously withdrawn scheme have been submitted
- Structural integrity of existing building

Support

Five letters of support have been received on the following grounds:

Land Use:

- Provision of more housing is welcomed
- Housing with amenity spaces is welcomed

Design:

- The design of the roof extension is acceptable

Amenity:

- The light impact of the roof extension appears acceptable

Highways:

- A car free scheme is good

Other:

- A roof extension will reduce maintenance costs for all
- A roof extension will reduce service charges for all

RE-CONSULTATION ON AMENDMENTS OF 9 NOVEMBER 2021 (refinement to design and window positioning; enlargement of green roof and inclusion in description of development of an air source heat pump (always shown on plans but not included in description)).

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 180

No. of objections: 37 received (on behalf of 18 properties)

No. in support: 0

In summary, the objectors raise no new issues over what those raised under the original consultation.

A couple of residents were incorrectly notified that the application was being presented at committee in February 2022 and wrote to ask why further to the planning history, unsuccessful applications in the past and further to their objections (listed in detail above), the application was being recommended for approval and why they hadn't been notified of the committee date.

Other:

- Retrofitting of scheme with an ASHP is unlikely to be environmentally friendly

FURTHER CONSULTATION OF 26 SEPTEMBER 2022 (application was revised internally to provide a fire safety scheme).

HEALTH AND SAFETY EXECUTIVE

Comment. Formal response with some concern to materials and that the firefighting staircase opens onto the firefighting lift, but that this can be dealt with at a later date because it is subject to a later regulatory consideration.

5.2 Applicant's Pre-Application Community Engagement

The application was submitted prior to the publication of the Council's Early Community Engagement guidance. Whilst it is known that engagement with residents from within Saxon Hall has taken place, from the applicant's submission it does not appear as if engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application. A point raised by objectors.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 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.

6.2 Neighbourhood Planning

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

6.3 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.

7. BACKGROUND INFORMATION

7.1 The Application Site

Saxon Hall is an unlisted block of flats located on the east side of Palace Court, within the Bayswater Conservation Area. The block was built in the 1960s and comprises lower ground, ground and five upper floors with a recessed plant room at roof level. The application site is located approximately 250 metres from Hyde Park and the Royal Parks Conservation Area. To the south of the application site is a small private square, the properties around which are all listed at either Grade II or Grade II*.

7.2 Recent Relevant History

There is a number of relevant applications for a roof extension, as detailed below. There has also been extensive history for other areas of the building and these too are listed to give an overview of the site.

Roof extension history

20/06317/FULL

Demolition of existing lift overrun at roof level and construction of a two-storey mansard roof extension to contain seven residential units, alterations to ground floor comprising new disabled access ramp and accessibility alterations to existing main entrance and cycle parking and bin storage in the rear yard and associated works.

Application Withdrawn 21 December 2020

20/01124/FULL

Demolition of existing lift overrun at roof level and erection of a three-storey roof extension to deliver eight additional residential units with associated terraces, alterations to ground floor existing main entrance comprising disabled access ramp and accessibility alterations cycle parking and bin storage in the rear yard and associated works.

Application Withdrawn 1 May 2020

96/01863/FULL

Erection of additional storey to provide one additional flat and modified plant room

Application Refused 20 June 1996

This application was refused on design grounds and that the extension would adversely affect the character and appearance of the Bayswater Conservation Area. An appeal was lodged and dismissed by The Planning Inspectorate on 29 January 1997. This appeal decision is discussed in further detail in the design and heritage section of this report and attached in the background papers.

Other related history

22/05532/FULL

Erection of single storey extension at ground floor level to House (known at flat 27).

Pending

22/03473/CLOPUD

Erection of single storey rear extension.

Lawful development certificate refused. 20 July 2022

19/04621/FULL

Rationalisation and reduction of the existing parking in the rear yard to provide three vehicle spaces.

Application Permitted 21 January 2020

17/01729/FULL

Erection of a single storey roof extension and external alterations to create a second

floor level.

Application Permitted 19 July 2017

16/10856/FULL

Infilling of lightwell to the rear of site at ground floor level to create an extension to an existing flat (Flat 27) and creation of a roof terrace.

Application Permitted 19 January 2017

14/00018/FULL

Conversion of part lower ground floor to create two-bedroom flat and associated external alterations including new windows and doors, and rear terrace with trellis screening.

Application Permitted 3 February 2015

13/07714/FULL

Conversion of 1x3 bed flat in rear south east corner of site to 1x1 bed and 1x2 bed flats and associated external alterations including installation of rooflight, fenestration changes and subdivision of existing terrace.

Application Permitted 3 February 2015

11/03552/FULL

Erection of part 2 storey and part 1 storey one bedroom mews property with roof terrace and glass balustrade and lightwell to the rear of Saxon Hall.

Application Refused 24 June 2011

11/02842/FULL

Erection of 2x 2bedroom storey mews houses with basements and the provision of associated first floor balconies and balustrading.

Application Refused 20 June 2011

11/01453/FULL

Conversion of part lower ground floor to create one-bedroom flat and associated external alterations involving the introduction of new windows and doors.

Application Permitted 21 July 2011

10/08269/FULL

Alterations and excavation at lower ground floor level to create a three bedroom flat with new double height rear extension (to south east corner of application site), lightwells, windows, doors and green roof and walls.

Application Permitted 14 April 2011

10/05880/FULL

Alterations to existing storage area at lower ground floor to create a one bedroom flat (Class C3) with associated external alterations to rear lightwell.

Application Permitted 10 February 2011

09/03053/FULL

Alterations and excavation at lower ground floor level to create three bedroom flat with new lightwells, windows and doors.

Application Permitted 27 August 2009

09/00024/FULL

Excavation at lower ground floor level to create a self contained 2 bedroom flat with associated extensions and alterations to front and side elevations including excavation of lightwells and new windows and doors.

Application Permitted 19 March 2009

8. THE PROPOSAL

Permission is sought for a roof extension measuring approximately 250 sqm. It would contain three residential units (1 x 1 bed at 68m²; 1 x 2 bed at 84m² and 1 x 3 bed at 102m²). All three flats have terraces measuring between 10 and 16m². The lift core is to be extended upwards and 3 air source heat pumps are adjacent. Two areas of green roofs are proposed.

Amendments to the proposals have been made during the course of the application refining the design and siting of the windows and for the provision of a larger extent of green roof. In addition, minor amendments have been made internally to address fire safety concerns from the Health and Safety Executive and this is why there is a delay in presenting to the application to the planning committee from its original submission.

9. DETAILED CONSIDERATIONS

9.1 Land Use

In land use terms, the provision of additional residential units is in accordance with Policy 8 (Housing Provision) of the City Plan and is therefore welcomed. The proposal also includes a family sized unit (i.e.three bedroom), and therefore meets the unit mix requirements of policy 10 of the City Plan.

Policy 12 of the adopted City Plan seek to ensure new homes and residential extensions provide a well -designed, energy efficient and high quality living environment; that 90% of all new build housing is accessible and adaptable and that all new homes will meet or exceed the National Described Space Standard.

All the units slightly exceed the minimum requirements outlined in the Nationally Described Space Standards, but these are not exceptionally large units and therefore supported. The proposed flats will be dual aspect and therefore well lit and ventilated. The flats are to be served by a lift and therefore accessible.

Policy 12 D also requires that all new homes will provide at least 5 sqm of external amenity space. The proposals exceed this with terraces measuring 10m², 15m² and 16m².

The proposals are acceptable in land use terms and comply with City Council policies.

9.2 Environment & Sustainability

9.2.1 Sustainable Design

The proposed extension has been technically designed to address Part L 1 A v 2016

(April 2016) of Building Regulations requirements and perform at a high level of sustainability in the long term.

All windows/ doors have floor to ceiling glazed elevations increasing natural light, in addition to the proposed rooflights. All proposed fenestration and rooflights are double glazed assembled in a high quality system of frames. Cross ventilation is also provided through the proposed windows and the openable rooflights.

Water consumption has been calculated and is below the target of the 110L per person per days and is met through water efficient fixtures and fitting. Light fittings are all proposed to be energy saving.

Air source heat pumps are proposed at roof level to provide efficient heating and cooling and large areas of green roof are proposed.

The proposals are considered suitable for the scale of the development and to comply with the aims of policy 38 of the City Plan and the guidance as set out in the Environmental Supplementary Planning Document (ESPD).

9.2.2 Flood Risk & Sustainable Drainage

The site does not lie within a flood zone or within a surface water hotspot

9.2.3 Environment & Sustainability Summary

The proposals for a roof extension are considered to comply with the Council environmental and sustainability policies.

9.3 Biodiversity & Greening

As noted above, a green roof is proposed and during the course of the application its coverage of the roof has been greatly increased. This is in response to objectors who stated that the original offer was a 'token provision', and officer's concerns given the targets of City Plan Policy 34 and the guidance as set out within the ESPD. Its provision is to be conditioned.

9.4 Townscape, Design & Heritage Impact

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In the exercise, with respect to any buildings or other land in a conservation*

area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, 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.

Chapters 12 and 16 of the NPPF require ‘great weight’ be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Objections have been received to the proposals on the grounds that the roof extension would be harmful to the host property, to that of the Bayswater Conservation Area and surrounding listed buildings. Concern has been raised that a similar scheme was refused in 1997 on the grounds that the impact on the conservation area was harmful and the City Council’s refusal was upheld at appeal and why then should this scheme be treated any differently. Objectors also raise concern that the heritage assessments submitted with the earlier schemes for a roof extension have been resubmitted, therefore showing that the applicant has not reassessed the heritage implications of this proposal. Design and heritage objections are addressed below. On the point of ‘resubmitted documents’, the heritage assessment originally submitted with this application was from an earlier scheme and has been amended to refer to a scheme of a single storey roof extension.

Saxon Court is an unlisted block dating to 1960 terminating the eastern side of the Palace Court terraces, a handsome ensemble of late 19th century red brick terraces and individual dwellings. Substantial in size and often elaborately detailed, the terraces and houses form an attractive composition of eclectic character, evidenced by their turrets, gables, mullioned bays and grand porticos. The buildings are variously described as being in the Queen Anne / Flemish Renaissance styles, with some in the Arts and Craft idiom.

Saxon Court replaced Saxon House, a smaller handsomely detailed, late 19th century house with a distinct Chateau style roof. Saxon Court’s design is openly modern and utilitarian, but its red brick and white painted concrete detailing reflects the red brick and white Portland stone details of its historic neighbours. Terminating well below the steep gables of the adjoining terrace at no. 18, while modern, it’s a well-established part of the townscape of this part of the Bayswater Conservation Area.

Whilst at the time of its construction, Saxon Court was a ‘completed composition’, extensions can often be incorporated without harming their architectural cohesion, often with flat roof designs. Extensions can even provide a sense of ‘completion’ to a building. In this case, given the size of the building and its rather severe flat roof, it’s considered an additional storey would not be a harmful addition. This is on the basis of setbacks, high quality detailed design and the public benefits arising, including housing

provision and any sustainability improvements. A visually recessed single storey extension, could be a subordinate and sympathetic addition, affording the building this sense of completion.

Apart from the architectural relationship to the host building, which is acceptable, there is of course the impact on the surroundings, i.e. the settings of adjacent listed buildings and the wider conservation area.

Immediately abutting Saxon Court is 18 Palace Court, the last house in a grade II listed group. Saxon Court then turns a corner to face a gated courtyard formed in part by the rear elevations of 2 and 4 Palace Court, which are grade II buildings, fronting onto Bayswater Road. The other side (and prime focus) of this courtyard is occupied by no's 10 and 12 Palace Court, a semi-detached II star listed paired villa and no. 14 (grade II), of 5 and 3 storeys respectively.

Situated on the other side of Bayswater Road, the Royal Parks Conservation Area and the Kensington Palace Conservation Area, (the latter within Royal Borough of Kensington and Chelsea (RBKC)) are also within the environs of the development.

The setting of the adjacent buildings, conservation areas and the Bayswater Conservation Area are all material considerations to be afforded weight in the planning balance. With regard to the impact on those heritage assets, an appeal decision of 1997 is referenced in several objections. In that scheme, a single story glazed roof extension was dismissed by an Inspector citing the impact on setting of the adjacent listed buildings and the character and appearance of the Bayswater Conservation Area.

The policy context, both local, regional and national has changed a number of times in the intervening period, most notably with the adoption of the London Plan and the NPPF replacing the heritage advice of PPS5, itself replacing PPG 15. Nevertheless, the appeal decision, based on the 1990 act, is a material consideration and has been referred to in a number of consultation responses.

In paragraph 7 of that appeal, the Inspector opined that 'in my view, the proposed design would provide a simple and elegant architectural solution to your client's requirements for the appeal building considered in isolation from its surroundings. On the other hand, the additional storey, however minimalistic in design terms would undoubtedly make the existing building more conspicuous in the street scene. Saxon Hall already contrasts with and detracts from the character and appearance of Palace Court and the additional roof story would increase its bulk and prominence'.

In terms of the current proposal, the Inspector commented on the suitability of the building for extension *per se*. The current extension proposal, while differing in its materials palette, is horizontal in character, recessed from the 1960 footprint and therefore subordinate to the building form. In itself it would 'provide a simple and elegant architectural solution' to extend the building and indeed, is more suitable than a glazed solution, as sought in the 1996 scheme. In terms of policy 40 of the City Plan, which covers roof extensions, it is acknowledged that the works have some adverse impact, but also that the terrace is characterised by roof storeys, so this work would affirm that character and that the detailed design is appropriate for the building age.

With reference to the first point, it's accepted that through an extension, the block will be afforded additional prominence, causing a measure of harm to the appreciation of adjacent listed buildings, notably no. 18, and the courtyard views of no's 10-12, 14 and rears of no's 2 and 4, in views with Saxon Court. However, visibility does not always equate to harm and buildings can be extended without harm, either to the immediate conservation area or the settings of listed buildings.

In practice, as no physical damage occurs, it's nearly impossible to cause 'substantial' harm through setting impact alone. The NPPF states, "*In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.*" In this instance, it is considered that there will be a measure of harm to building setting through increased prominence of Saxon Court, but the effect will be modest. The significance of the adjacent listed buildings will not be significantly diminished through minor incursions of built form into their settings and the scale of harm measured against NPPF criteria, will be 'less than substantial'. Notwithstanding this, the NPPF affords conservation of heritage assets 'great weight', so harm must also be afforded 'great weight', irrespective of its position on the scale, but taking into account the relative significance of the affected asset and the severity of the harm caused.

The key feature of no's 18, 10-12, 14 and 2/4 setting, is not their relationship to Saxon Court, moreover it is their group contribution to each other in the composition of Palace Court as a characterful historic development. So, while Saxon Court is undoubtedly an integral element, it does not actively contribute to the group charm and character which informs the significance of the listed building settings – this of course, remains unchanged.

In so far as the impact on the building setting's is considered 'less than substantial', so is the impact on the Bayswater Conservation Area. The impact on the adjacent conservation areas is considered negligible. The applicant's Heritage Statement notes that visibility of the extension from those assets is very limited and given the size of the conservation area, incidental. As such, no harm to the setting of either the Royal Parks or Kensington Palace Conservation Areas results. These considerations accord with policy 39.

In terms of paragraph 202 and the mitigation of harm by public benefits, consideration should take into account the relative significance of the affected asset and the severity of the harm caused. The assets are clearly important, a large conservation area with numerous designated and undesignated assets within, the setting of two others and the setting of several listed buildings. However, as illustrated, the severity of harm caused is modest/low to negligible and therefore 'less than substantial'.

Within that context, the provision of three additional housing units, compared to one in the dismissed appeal scheme of 1997, is beneficial. The detailed design is compliant with policy 38 and 40, using a 'roof like' grey zinc, with a significant number of the

openings aligning with those below to create a coherent relationship of roof storey to the main building. The glass balustrade to the terraces on the southern and western elevation are appropriate given there is glass balustrading to lower levels. There is a green roof which has been extended in its cover since the application's original submission. This is welcomed and to be conditioned to be provided. In addition, the integration of air source heat pumps, which are more sustainable in terms of the energy used compared to the standard gas powered boilers, also weighs in its favour.

Combined with the modest/low impact on heritage assets, which essentially preserves their significance and that of the character of the Bayswater Conservation Area, these aspects of the proposal weigh in favour of approval in the overall planning balance. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.4.2 Fire Safety

The Health and Safety Executive (HSE) have been consulted on the proposals given new residential accommodation is proposed on a relevant building.

Despite initial concerns, the HSE now have no objections to the proposals and consider that the fire safety measures proposed, fire service access points, means of escape and existing materials are all, in general, acceptable. Comment is made that there is insufficient performance specification of the wall material choice for the extension but that this is a regulatory requirement for Building Regulations and should any changes be required, this may require the applicant to address this at a later date in planning terms. Comment is also made that a firefighting staircase should not open onto a firefighting lift and this will need to be resolved at Building Regulations stage. As this is an internal change, and does not affect the planning proposals, the HSE are content at this stage.

9.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with 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. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers as is Policy 38 C, which seeks people centred design to reduce impacts of developments.

The objections received raise concern of loss of sunlight and daylight and overshadowing to neighbouring properties; loss of privacy from the new windows and terraces. Concern is also raised on the grounds of noise and disturbance from increased number of residential properties; light pollution to neighbouring properties and what noise protection to existing Saxon Hall residents is to be provided.

9.5.1 Sunlight and Daylight

The City Council generally has regard to the standards for daylight and sunlight as set

out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2022). The applicant's consultant has carried out the necessary tests using the methodology set out in the BRE guidelines on residential properties surrounding the site.

The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. Where room layouts are not known the daylight distribution test has not been undertaken by plotting the No Sky Line (NSL). VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

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

The properties tested for daylight and sunlight levels comprise:

- 2 Palace Court (south of the site);
- 14, 14b-c Palace Court (east/south east of the site);
- 15, 17, 19, 21 Palace Court (west of the site)
- 18 Palace Court (north of the site)
- 11-12 Chapel side (north east of the site)
- Lancaster Close (west facing residential units), St Petersburg Place (east of site)

Where there are losses, they are very minor and all windows assessed passed the Vertical Sky Component tests and all rooms (where known from estate agents particulars, planning history records etc.) pass the daylight distribution test. In terms of sunlight, all windows that face within 90 degrees of due south have been tested for direct sunlight and all windows with a requirement for sunlight pass both the total annual sunlight hours test and the winter sunlight hours test.

The proposals are therefore acceptable in terms of daylight and sunlight.

9.5.2 Privacy

Windows are proposed to the east, south and west facing elevations. These, in general replicate the window positioning of the lower level residential units and are therefore not considered to give rise to any additional overlooking to neighbouring properties over what currently exists.

Terraces are proposed to each of the flats to the southern and western elevation, and glass balustrades are shown. The potential overlooking from these has raised objection. The terraces are 10m², 15m² and 16m² and therefore not considered excessive in size. There are existing terraces to the lower level flats in the building on the south and west elevation and therefore any additional overlooking from the proposed terraces is unlikely to be harmful to neighbouring properties given existing mutual overlooking.

An objection has been received on the grounds that the screen proposed between the proposed flats 2 and 3 is not high enough to protect overlooking between these properties (and if this were to be raised, would result in more loss of daylight). Whilst the height of the screen would not prohibit overlooking between the two flats, the situation is considered acceptable, and it would replicate the open nature of the terraces at lower levels.

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

9.5.3 Sense of Enclosure

The proposed roof extension is replacing the existing very large lift motor room. Whilst upper levels of neighbouring properties will see the proposed extension, it is considered that a single storey roof extension of 2.8m (and lift overrun of a further 1m), set back from the parapet edges and given the distances to neighbouring properties, would not result in an unacceptable sense of enclosure.

The proposals are therefore acceptable in terms of outlook and sense of enclosure.

9.5.4 Light Pollution

Objections have been received on the grounds that the roof extension will omit unacceptable levels of light at night time. The extension is solid with window and door apertures, no different to the lower levels of this building and it is therefore not considered that this would result in unacceptable levels of light spill.

9.5.5 Noise

Air Source Heat Pumps are proposed at roof level. Environmental Health have no objections to this plant equipment on noise grounds subject to the Council's standard noise conditions. The proposals are therefore acceptable in amenity terms.

9.6 Transportation, Accessibility & Servicing

9.6.1 Parking

Objection has been received on the grounds that three flats will create extra demand for on-street carparking should permission be granted. The Highways Planning Manager raises no objection to the scheme with no parking, as this is policy compliant. It is not considered that three additional flats will result in a significant increased demand of on-street car parking and that any requirements for additional car parking can be absorbed in the existing highway network. The proposals are in accordance with policy 27 of the City Plan and London Plan policies.

9.6.2 Cycle Parking

Five cycle parking spaces at ground floor level to the rear are shown, in accordance with the London Plan requirement of 1 space per residential unit of 1 bedroom or fewer and 2 spaces per unit of 2 bedrooms or more. The Highways Manager has incorrectly referred to the need for 6 cycle spaces. The 5 spaces are acceptable and their provision is to be secured by condition.

9.6.3 Waste & Recycling Storage

Waste storage areas for the 3 flats are shown on the plans and these are to be sited next to existing refuse storage (according to the applicant). The Waste Project Officer had requested further details and queried a discrepancy in the existing and proposed plans in that the existing ground floor drawing shows more than the number of bins on the proposed ground floor drawing. The discrepancy has now been resolved. The principle of waste storage in this location is acceptable and at the waste project officer has no objection to the proposals.

9.6.4 Access

The residential building is accessed via 4 steps from pavement level. This is not altered as a result of the proposals. An internal lift is proposed to access the new roof level accommodation.

9.7 Economy including Employment & Skills

The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

9.8.1 Structural Stability

One area of concern for residents is the structural stability of Saxon Hall with the addition of an additional rooftop extension. Para 40.13 of the City Plan states “the creation of larger extensions to existing buildings may also lead to additional challenges and the capacity to support additional loading will be an important factor in determining the feasibility of delivering such rooftop development”.

The applicant has submitted a letter from a structural engineer and this confirms the proposed weighting of the extension and that this is likely to have no significant structural effect on the building. Whilst this has not been reviewed by the Council’s Building Control Manager, should planning permission be granted the proposals would be subject to Building Regulations.

9.8.2 Construction Impact

Multiple objections have been received on the grounds of noise and disruption during the

course of works if permission was to be granted. An objection has also been received on the grounds that a construction management plan (which addresses the disruption caused by building works) has not been received.

Whilst the objection of noise and disruption during works is noted, it is not itself a reason to withhold permission. A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. An informative is also recommended to advise the applicant to join the considerate constructors scheme. Through the use of the above conditions and informative, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation.

Given the nature of the proposed works, a construction management plan or the applicant's agreement to adhere to the City Council's Code of Construction Practice is not required.

9.8.3 Impact to Existing Lifts

Whilst it is acknowledged that there may be disruption to the existing lifts whilst works are taking place to extend these to the new top floor this is not a reason in itself to withhold permission and is a private matter.

9.8.4 Behaviour of Applicant

Objections have been received on the grounds that the developer is not listening to the local community and that the applicant/ freeholder is aggressive and unpleasant. Whilst this is regrettable and whilst officers understand the frustration caused when applicants have a poor relationship with neighbours and the local community, this is not considered a material planning consideration and permission cannot be withheld on this basis.

9.8.5 Resubmission of applications

Many objections have been received from neighbours and surrounding residents on the grounds that the applicant is always submitting applications to the City Council, many of which are reiterations of previously refused/ withdrawn schemes or those that have been tested at appeal previously. This application is considered to be materially different to previous schemes and for the reasons set out in the report, different to the appeal decision of 1997 and therefore the City Council cannot decline to determine this proposal. Officers appreciate the time spent by neighbours and the local community in reviewing the application's submitted and the comments made.

9.8.6 Lack of Consultation

Objections have been received from residents within St Olaves Court stating that they have not been consulted by the City Council on the proposals. When the application was submitted it is correct that St Olaves Court, in an administrative error were not

consulted. This was rectified and residents were later consulted.

9.8 Environmental Impact Assessment

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

9.9 Planning Obligations & Pre-Commencement Conditions

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

The total amount of CIL payable (based on the applicant's CIL liability form) is £143,376 (comprising Mayoral CIL of £18,907 and Westminster CIL of £124,468). This will be further assessed in due course and subject to any exemptions or relief that may be available to the applicant.

There are no pre-commencement conditions proposed.

10 Conclusion

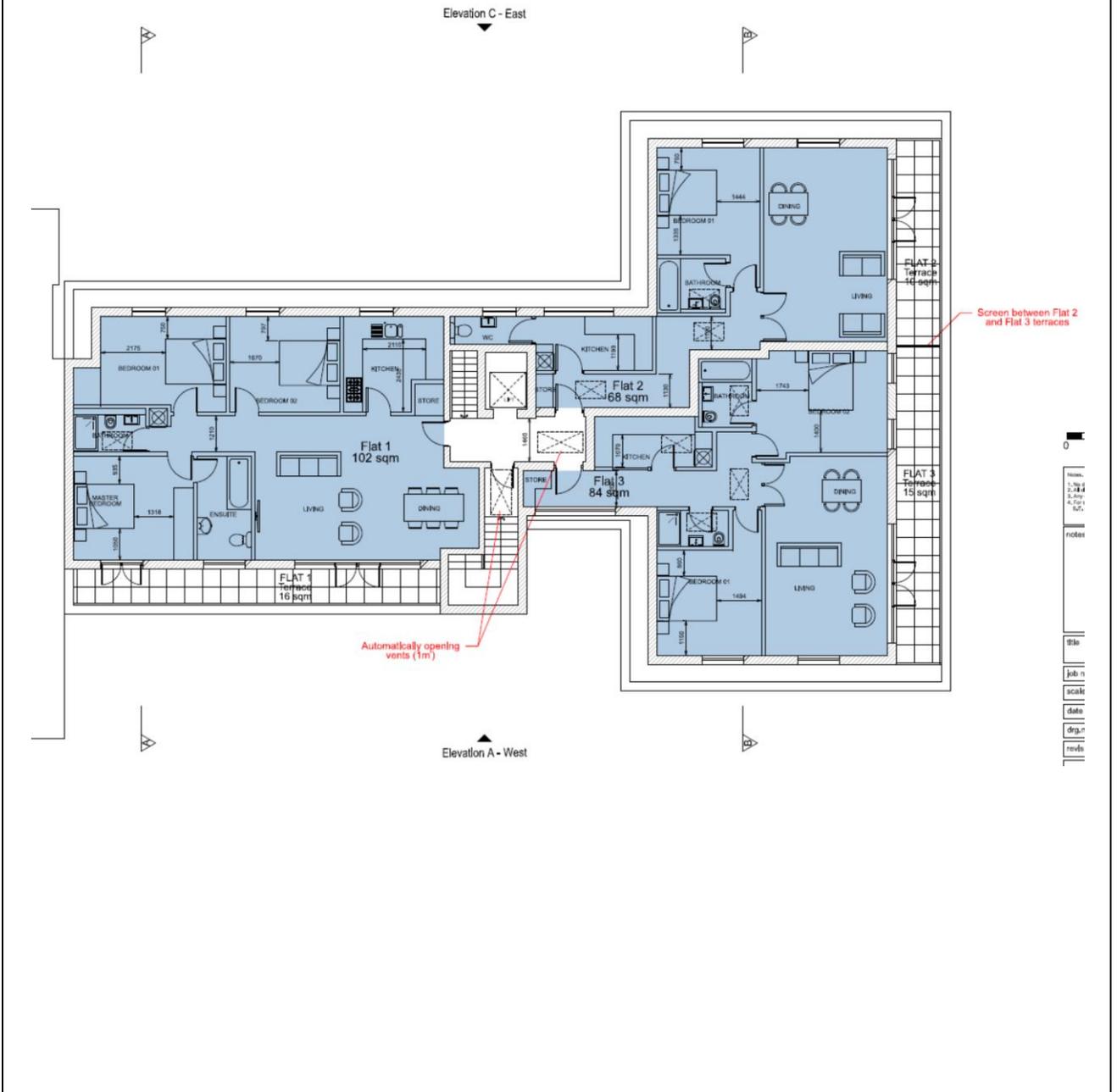
The proposals for additional residential accommodation in the form of three flats are acceptable and the works to facilitate this are acceptable in heritage, conservation and design terms and are not considered to harm surrounding residential amenity. As such, whilst being mindful of policies 7, 8, 25, 33, 34, 38, 38, 39, and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, which comprise the provision of additional homes, the proposal is considered acceptable in terms of its impact on the designated heritage asset(s). Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

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

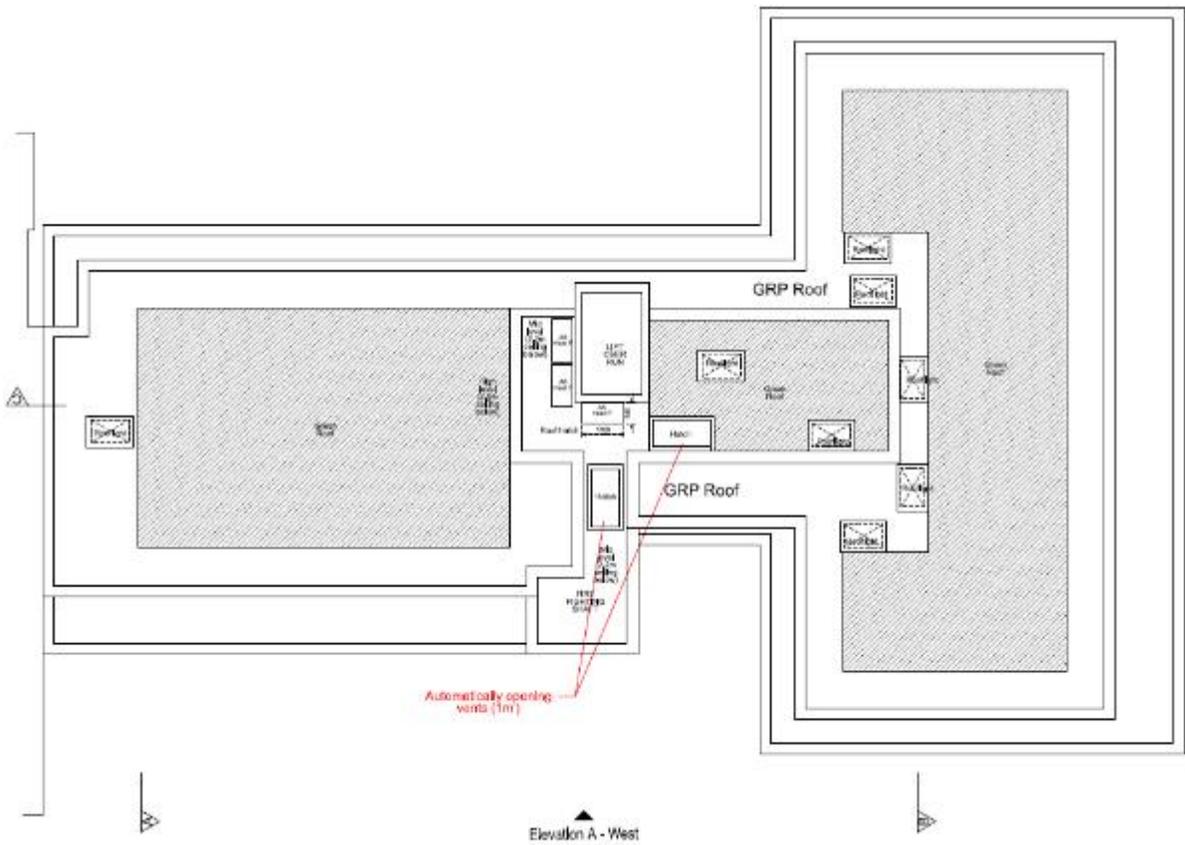
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

11 KEY DRAWINGS

Proposed 6th Floor – new residential accommodation



Proposed Roof Plan



PROPOSED ROOF PLAN

Existing (top) and Proposed (bottom) West Elevation



EXISTING ELEVATION A - WEST



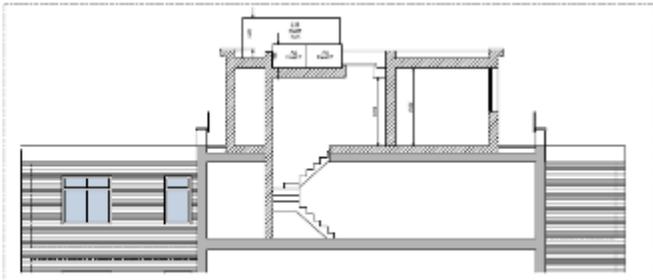
Existing (top) and Proposed (bottom) South Elevation



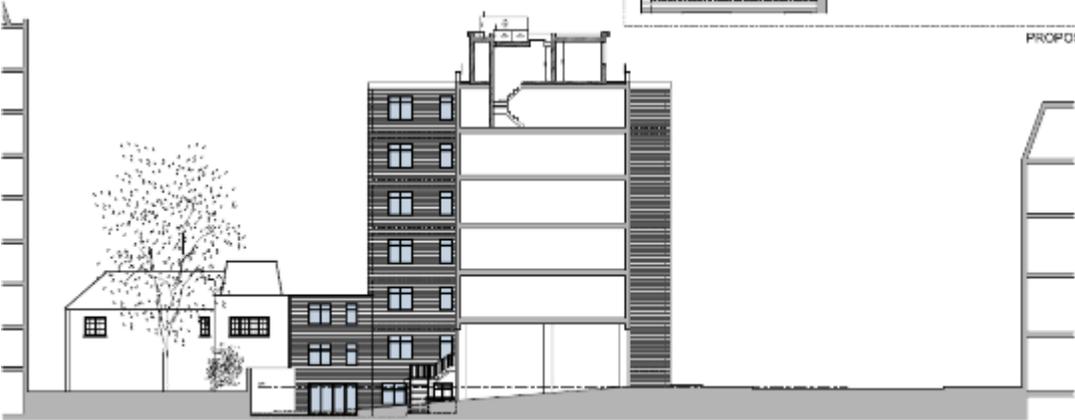
Existing (top) and Proposed (bottom) East Elevation



Existing (top) and Proposed (bottom) Section



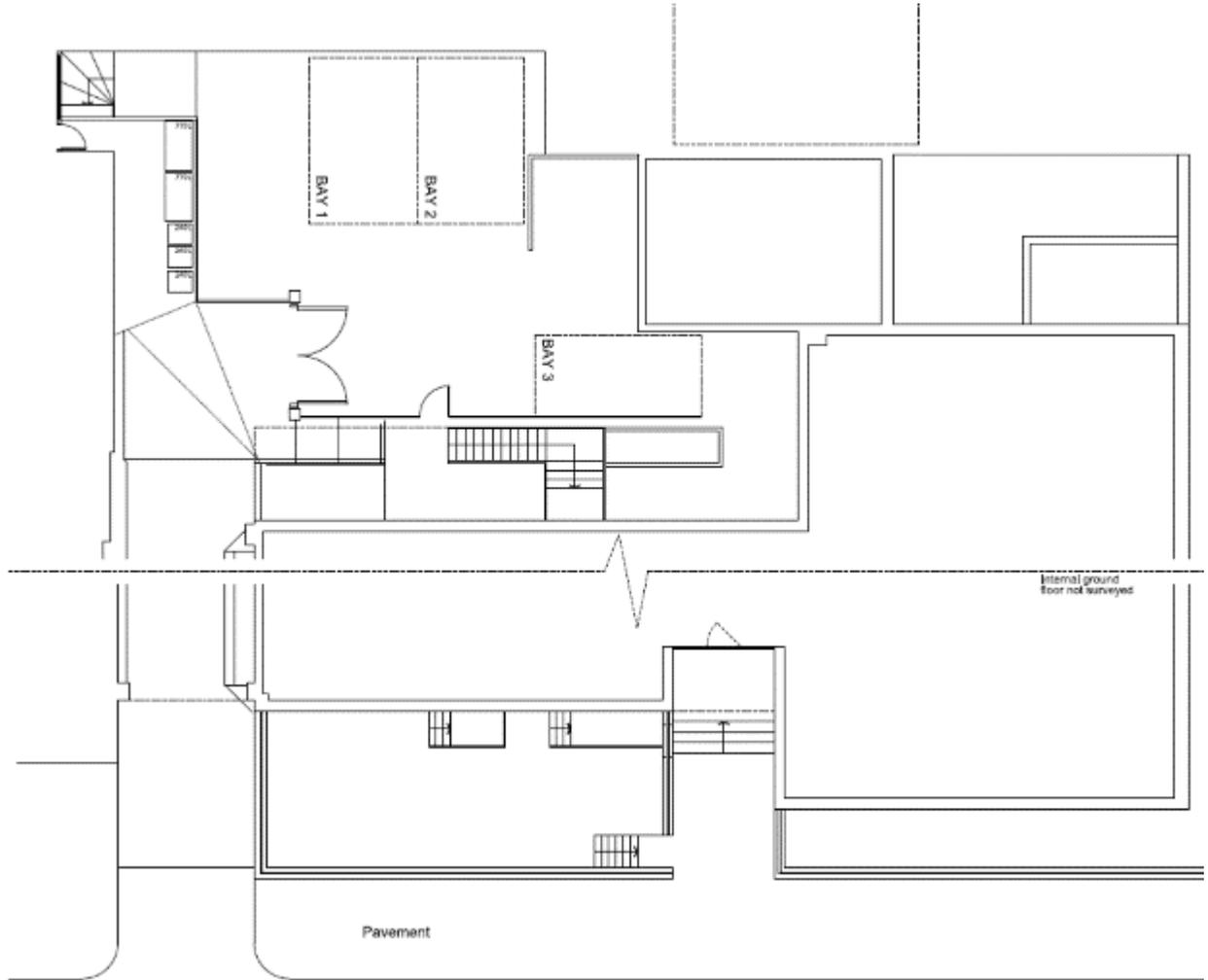
PROPOSED SECTION CC - 1:100 @ A3



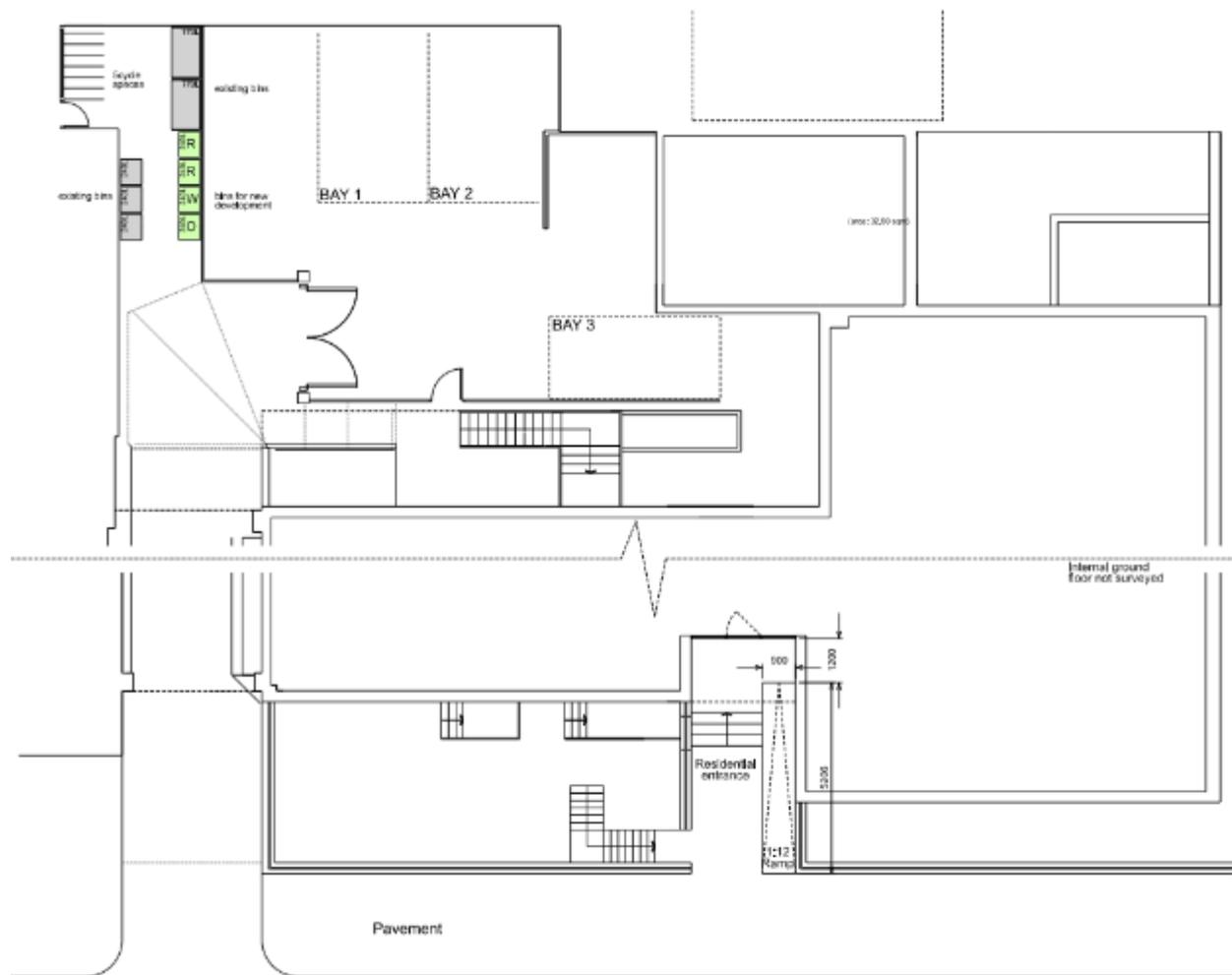
Notes:
 1. All dimensions are to the center line of the member.
 2. All dimensions are to the finished surface of the member.
 3. All dimensions are to the finished surface of the member.
 4. All dimensions are to the finished surface of the member.
 5. All dimensions are to the finished surface of the member.

Drawn: W2 4JA
 Checked: W2 4JA

Existing Ground Floor Plan



Proposed Ground Floor Plan



DRAFT DECISION LETTER

Address: Saxon Hall , Palace Court, London, W2 4JA

Proposal: Demolition of existing lift overrun at roof level and construction of a single-storey roof extension to provide three additional residential units, alterations to ground floor comprising new disabled access ramp and accessibility alterations to existing main entrance and cycle parking and bin storage in the rear yard, installation of air source heat pumps at roof level.

Reference: 21/05530/FULL

Plan Nos: 2222:SK-01; SK-101 A; GA-100; GA-101 A; GA-111 A; GA-112 A; GA-113 A; GA-121; GA-112; GA-200 E; GA-201 ZD; GA-204 L; GA-211 S; GA -212 V; GA-213 T; GA-223 B; GA-224; Design and Access Statement; Planning Statement; Heritage Statement; Letter from John Less Associated dated 30 September 2021; Daylight and Sunlight Assessment dated October 2021; Noise Assessment dated 20 October 2021; Sustainability and Energy Statement dated 15 July 2021, Fire Statement.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641
07866036948

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , onot at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing and brick work. You must not start work until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

- 6 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)

- 7 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 2222-GA-200 Rev E. Prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the flats. (C14FC)

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)

- 8 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. , , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and

procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 10 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 11 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof 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.

Reason:

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

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 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 6 The construction manager should keep residents and others informed about unavoidable

disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.

- 7 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice on 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 8 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.