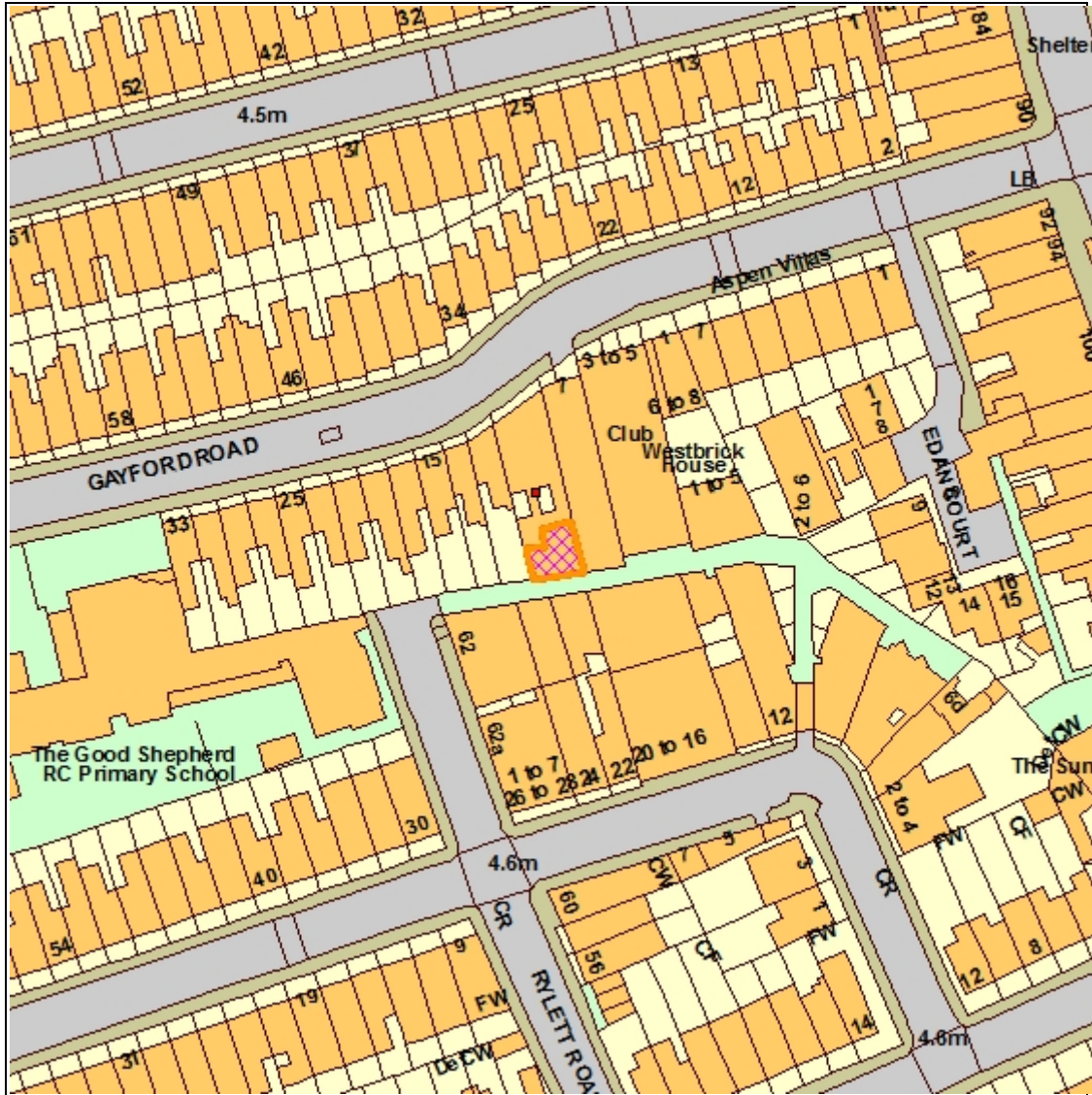


Ward: Wendell Park

Site Address:

28 Wendell Mews London W12 9BG



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For identification purposes only - do not scale.

Reg. No:
2023/02152/FUL

Case Officer:
George Shakir

Date Valid:
18.08.2023

Conservation Area:

Committee Date:
04.03.2025

Applicant:

Mr Daniel Coyle
28 Wendell Mews London W12 9BG

Description:

Erection of a new lean-to roof over the existing terrace to the rear at first floor level to form a habitable room; erection of a staircase enclosure and erection of 1.7m obscure glazing around part of the roof of the main building, in connection with formation of a roof terrace; replacement of existing obscure glazed windows with new half obscure glazed windows at first floor level to the front elevation.

Drg Nos: Refer to Condition 2

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve, that the Director of Planning and Property be authorised to grant planning permission subject to the conditions listed below.
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director of Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990(as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development shall be carried out and completed in accordance with the following approved drawings; other than where those details are altered pursuant to the conditions of this planning permission:

SK01b
SK02

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans.

- 3) The development hereby approved shall be carried out and completed in accordance with the materials details (including colour and finish) specified below:

Stairwell bulkhead : light grey zinc/aluminium cladding

Window: Aluminium framed to match existing

Walls: London Stock Brick to match existing

The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

- 4) The terrace hereby approved shall not be first used until the privacy screening has been installed as shown on approved drawing no. (SK01b and SK02). The privacy screen shall achieve a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3 and shall have a height of 1.7m above the finished floor level of the terrace along the north/south/west elevations. The privacy screen shall thereafter be permanently retained as approved.

To protect the amenities of neighbouring occupiers in terms of overlooking and privacy in accordance with Policy HO11 of the Local Plan (2018).

- 5) Other than the area shown as a terrace on the approved plans no part of the remainder of the roof shall be converted into or used as a terrace or other open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the remaining roof. No railings or other means of enclosure shall be erected around the remaining roof and no alterations shall be carried out to the property to form an access onto this roof.

Such a use would be detrimental to the amenities of neighbouring properties by reason of overlooking and loss of privacy and potential noise and disturbance, contrary to Policies CC11 and HO11 of the Local Plan (2018).

- 6) No water tanks, water tank enclosures or other structures shall be erected upon the flat roof of the extension hereby permitted.

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies DC1 and DC4 of the Local Plan (2018).

- 7) Prior to the occupation of the development hereby permitted, the lower half of the windows at first floor level in the front elevation (see drawing SK02) shall be fitted with frosted glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, and shall be non-opening and fixed shut up to a height of 1.7m above the finished floor level. The windows shall thereafter be permanently retained as approved.

To protect the amenities of adjoining occupiers in terms of privacy and overlooking in accordance with Policy HO11 of the Local Plan (2018).

- 8) No external air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, DC4 and HO11 of the Local Plan (2018).

- 9) The development hereby approved shall only be used as a single dwellinghouse falling within use Class C3. The resulting property shall not be used as a house in multiple occupation falling within Class C4 of the Town & Country Planning (Use Classes) Order 1987 (as amended).

The use of the property as a house in multiple occupation rather than as a single residential unit, would raise materially different planning considerations that the Council would wish to consider under a full planning application, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO11 and HO8 of the Local Plan (2018).

Justification for Approving the Application:

- 1) The proposals would be of an acceptable appearance, and would not harm the character or appearance of the area. Subject to conditions the proposals would not have an unacceptable impact on the amenities of any neighbouring properties. In these respects, the proposals comply with Policies DC1, DC4, HO11, CC11 and CC13 and relevant Key Principles of the Planning Guidance Supplementary Planning Document (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 16th August 2023
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2024
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

9 Gayford Road London W12 9BY	22.02.24
4 St Peter's Square London W6 9AB	28.12.24
9A Gayford Road London W12 9BY	26.02.24
Flat 3, 3A Felgate Mews London W6 0LY	21.02.24
Flat 3, 3A Felgate Mews London W6 0LY	20.12.24
56 Bath Road London W4 1LH	21.02.24
4 St Peter's Square London W6 9AB	23.02.24
9 Gayford Road London W12 9BY	06.01.25
9 Gayford Road London W12 9BY	22.02.24
9 Gayford Road London W12 9BY	19.02.24
9 Gayford Road London W12 9BY	19.02.24
2 Milliners House Eastfields Avenue London SW18 1LP	23.02.24
2 Putney Hill London SW15 6AB	13.10.23
9 Gayford Road London W12 9BY	14.09.23
9A Gayford Road London W12 9BY	19.09.23
4 St Peter's Square London W6 9AB	05.03.24
4 St Peter's Square London W6 9AB	14.09.23

OFFICER'S REPORT

1.0 SITE DESCRIPTION

- 1.1 The application site is a two-storey, mid terrace, single dwelling located at 28 Wendell Mews. The site is not located within a conservation area, it does not contain a Listed Building nor a locally listed Building of Merit.
- 1.2 The site was originally a laundry, and was redeveloped to provide 2 x 4 bedroom houses (9 and 9A Gayford Road) and a 2 bedroom house (28 Wendell Mews).
- 1.3 The site is located with Flood Risk Zone 2 and 3 and has a PTAL rating of 1b.

2.0 RELEVANT PLANNING HISTORY

- 2.1 2012/00762/FUL - Demolition of all existing buildings on site and redevelopment of the site by the erection of 2x 4 bedroom dwelling houses fronting Gayford Road and the erection of 1x 2 bedroom mews house to the rear. Approved 01.06.2012.
- 2.2 2020/00601/FUL - Erection of an additional floor with three rear windows at roof level. Approved on 30.04.2020 but not constructed. This planning permission has now lapsed.

3.0 PROPOSAL

3.1 The current application seeks planning permission for:

- Erection of a new lean-to roof over the existing terrace at first floor level to form a habitable room;
- Erection of 1.7m high opaque glazed privacy screening around part of the flat roof of the existing building at second floor in connection with the formation of a roof terrace;
- Erection of an extension at roof level to provide staircase access to the proposed roof terrace;
- Replacement of existing obscure glazed windows with new half obscure glazed windows at first floor level to the front elevation

3.2 The application has been revised during the course of the application to reduce the size of the roof extension from spanning the entire roof area to instead providing a small staircase enclosure; and the introduction of a terrace and associated screening at roof level. The existing terrace at first floor level would now be enclosed to provide additional internal habitable space.

4.0 CONSULTATIONS

4.1 Under the original submission, twenty-eight (28) surrounding properties were notified of the proposal via letter (August 2023), in addition the scheme was publicised by means of a press and site notice.

Eleven (11) representations were received under the original submission, from five addresses, raising the following concerns:

- The previous planning approval was an error of judgment decided during COVID lockdown
- The proposal is an overbearing structure, and will negatively impact outlook, and privacy of neighbouring dwellings severely impacting residential amenity creating a sense of enclosure.
- The scale, bulk and height of the current Mews house as built remains appropriate,
- The larger bulk and mass of the two new houses on Gayford Road and the smaller mass of the new Mews house on Wendell Mews reflect good urban design, with an appropriate rhythm from back to front.
- The application should include a daylight sunlight and overshadowing study in accordance with the BRE guidelines (BR 209, 2022 Edition)
- There is no roof terrace at 28 Wendell Mews and one was expressly prohibited in connection with the planning application approved in 2020 (2020/00601/FUL).
- The revised development scheme relates to an entirely different set of proposals to those validated in August last year yet bear the same planning application reference number.
- The nature and scale of the proposed changes warrant the submission of a new application to ensure proper public consultation and review.
- The plans are insufficient in details
- The gazebo and "opaque glazed privacy screening" are also likely to impact the light to the terraces and properties.

- Letters from Hammersmith and Fulham were not received in a timely manner
- The proposal will negatively impact neighbours light and privacy
- The proposal will generate noise pollution
- The proposed structure at second floor level extends some 2.4m above the existing roof surface will dominate the southerly sky-scape views from the windows from multiple habitable rooms in the surrounding area
- The proposed terrace and 'gazebo' and associated structures will also impact the important exterior amenity spaces in the surrounding area. Specifically, it will create and exacerbate a feeling of enclosure and will reduce access to sunlight.
- The second-floor terrace will form the only outside space if the council allows the existing outdoor space at first floor level to be enclosed. The terrace will provide commanding views over the outside space for the adjacent properties. It will also offer views into the windows of the adjacent properties at ground and first floor levels.
- As it is the only outside space for the property and with the proposed gazebo it is likely that this terrace will be in regular use which will be un-neighbourly, and it is inevitable that there will be overlooking and subsequent amenity harm as the proposed glazing will be insufficient to shield neighbours from noise and the feeling and risk of being overlooked.
- This proposed second floor roof terrace appears to be contrary to Policy 8 (Protection of Amenities) of the Supplementary Planning Document which states (iii) Planning permission will not be granted for roof terraces or balconies if the use of the terraces or balcony is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance.

4.2 In response to concerns raised the proposals were amended as per para. 3.2 above, however with the inclusion of a gazebo at roof level. Neighbouring properties were reconsulted. Twenty- nine (29) surrounding properties were notified of the proposal via letter (February 2024), and a site notice and a press notice were also issued.

Six (6) representations were received from five addresses raising the following concerns:

- The proposal is an overbearing Structure, affecting outlook, and privacy
- The additional floor will compound the sensation of our being boxed in.
- A Daylight Sunlight and Overshadowing study needs to be performed on behalf of the applicant to assess the likely significant effects of the proposed 28 Wendell Mews extension to the habitable rooms, courtyard and terrace of 9A Gayford Road.
- Loss of residential amenity - properties in Gayford Road.
- The increase in height of the terrace walls shown on the "North (rear) Elevation-proposed" section will create and exacerbate a feeling of enclosure to the existing and regularly enjoyed amenity spaces and terraces to 9A Gayford Road
- The proposed terrace and new stairs and related structures will also impact the important exterior amenity spaces to the first floor terraces to 9 and 9A Gayford Road and the garden to 11 Gayford Road.
- The already illegally replaced windows to the first floor elevation to Wendell Mews create the risk of overlooking and loss of privacy to adjoining properties.

4.3 A further round of consultation was undertaken in November 2024 to notify neighbouring properties (by letter) of a revised description, and the removal of the gazebo from the proposed development.

Five (5) representations were received from five addresses raising the following concerns:

- Noise from the terrace
- Residential Amenity: loss of light and privacy
- Traffic or Highways: traffic congestion on an already busy road that is used for access to 3 local junior schools
- Legality of multiple revisions
- The changes in this application have not made any material change to the quality of the application

4.4 Officer response:

- The revised application differs significantly from the previous planning approval 2020/00601/FUL and the original submission. Specifically, the additional floor at roof level was removed.
- The revised application was readvertised, and new notices of the proposal were resent to the surrounding properties as required.
- The revised application was a reduction in scale and massing in comparison to the original application; therefore it was considered that a new application was not required, and neighbouring properties were notified of the proposed changes.
- The proposal's impact upon neighbouring amenity have been assessed in the 'planning considerations' section of this report.
- Whilst Officers recognise that construction works will result in noise and disturbance for surrounding occupants, issues relating to noise and disturbance from building works is covered by separate environmental health legislation, rather than planning legislation. Officers note that a condition will be attached requiring construction works to commence within 3 years from the date of the decision notice.

5.0 POLICY FRAMEWORK

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

6.0 PLANNING CONSIDERATIONS

6.1 The following considerations are most relevant to the assessment of the current planning application:

- The proposal's impact upon the character and appearance of the application property and surrounding area
- The proposal's impact upon the amenity of surrounding residents/occupants.

DESIGN AND VISUAL AMENITY

- 6.2 Paragraph 131 of the National Planning Policy Framework [NPPF] (2024) specifies that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.3 Policy D3 (Design), of the London Plan 2021 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
- 6.4 Policy DC1 of the Local Plan (2018) notes that all development should seek to create a high-quality urban environment which respects and enhances its townscape setting, whilst Policy DC4 notes that all alterations and extensions to existing buildings should be a subservient addition to the parent building and compatible with the scale and character of existing development, neighbouring properties and their settings.
- 6.5 The application site is a two-storey, mid terrace, single dwelling located at 28 Wendell Mews. The site is not located within a conservation area, it does not contain a Listed Building nor a locally listed Building of Merit. The existing dwelling consists of two bedrooms and two bathrooms on the ground floor and an open plan kitchen, dining and living room on the first floor. An enclosed terrace is also on the first floor serving as outdoor amenity space for the dwelling. The walls enclosing this terrace are approximately 3M in height and act as an effective buffer between the amenity area and the surrounding neighbouring properties. The existing dwelling has a flat roof that has four solar panels that sit below the roof parapet.
- 6.6 The application proposes to enclose the existing first floor outdoor amenity space by adding a pitched roof to the existing terrace walls. This will add 15 square metres of gross internal area to the dwelling. Two new rooflights are proposed to the pitched roof; no new windows are proposed to the existing external walls of the existing terrace. Officers note that the footprint of the dwelling will remain the same.

- 6.7 The application also proposes a new outdoor amenity space in the form of a rooftop terrace. The proposed terrace will be accessed via a new stairwell enclosure located on the eastern side of the existing roof. The stairwell enclosure has a roof that slopes in response to the stairwell it is sited over, thus minimizing its bulk and visual impact. At the maximum height, a minor portion of the roof of the enclosure is flat. 1.7m high opaque glazed balustrades project off of the enclosure creating a 15 square metre roof terrace. The 1.7m high opaque glazing is set back from the roof edges it is sited upon; 1.5M from the rear (north) elevation; 2M from the flank (west) elevation and 0.6M from the front (south) elevation. The existing four solar panels will be relocated to the westernmost portion of the flat roof and will remain below the roof parapet.
- 6.8 The pitched roof to the existing amenity area is minimal in scope and appearance, helping to reduce the visual impact of the proposal. It is considered to be compatible with the character of the property and is therefore deemed to be appropriate and visually acceptable. The design, material and layout of the proposed staircase enclosure would respect and complement the existing building, and would reflect similar development within Wendell Mews (Westbrick House to the east), and is therefore deemed to be appropriate and visually acceptable.
- 6.9 The proposed 1.7M high glass balustrade has obscure glazing in order to ensure privacy between the proposal and the surrounding dwellings while also allowing light to pass through. It is the Council's preferred design for terrace screening and would be compatible with the character of the property and is therefore deemed to be appropriate and visually acceptable.
- 6.10 Finally new casement windows are proposed to the first floor front elevation. The new windows will be frosted on the bottom half. The replacement windows match what is existing in terms of opening size and siting and therefore are in keeping with the aesthetic and character of host building. Officers are satisfied that the replacement windows would be of an acceptable visual appearance and would preserve the character of the building.
- 6.11 Officers are satisfied that the proposals would be of both an acceptable scale and appearance and would be well integrated with the original architecture and compliant with the NPPF (2024), Policies D6 of the London Plan (2021), Policies DC1 and DC4 of the Local Plan (2018)

7.0 IMPACT UPON NEIGHBOURING AMENITY

- 7.1 Local Plan Policy HO11 states that proposals will be considered acceptable where it can be demonstrated that there is no detrimental impact on:
- Privacy enjoyed by neighbours in adjoining properties;
 - Daylight and sunlight to rooms in adjoining properties;
 - Outlook from windows in adjoining properties; and
 - Openness between properties.
- 7.2 Policies DC1 and DC4 require all proposals for alterations and extensions to be formulated to respect the principles of good neighbourliness. Planning Guidance SPD Housing Key Principles 6, 7 and 8 support Local Plan Policy HO11 and set out a more detailed means of assessment.

- 7.3 The area of Wendell Mews surrounding the application site is mixed in nature, consisting of residential properties to the north, a nursery/preschool school to the east and a residential dwellings on the opposite side of Wendell Mews. The replacement windows on the front (south) elevation match what exists in regard to opening size and location and therefore would not result in any additional views and would not cause a loss of privacy to the residential dwellings on the opposite side of Wendell Mews . The proposed terrace is setback 600mm from the front elevation, due to the uses of the neighbouring Wendell Mews properties the proposal is will not have a damaging impact on those properties in terms of loss of light, outlook, sense of enclosure and privacy.
- 7.4 Nos 9 and 9A Gayford Road are sited directly to the north of the application site. No 11 Gayford is sited to the west; the flank elevation of its rear garden abuts the ground floor flank elevation of the application building. The proposed new lean-to roof over the existing terrace is sloped and is a minimal addition to the existing building when viewed from these properties. There will no windows facing the properties on Gayford Road, and therefore no associated loss of privacy. Given the sloping nature and minimal overall height of the lean-to roof Officers consider that the proposal would not have a detrimental impact on those properties in terms of loss of light, outlook, sense of enclosure and privacy.
- 7.5 The stairwell enclosure and roof terrace would be noticeable to the properties to the north. However, the stairwell enclosure is sited at the eastern most portion of the roof, and is a narrow structure that is angled up from the parapet to its maximum height on the southern side of the property. This is considered to be the location of least impact to Nos 9, 9A and 11 Gayford Road, is also minimal in scale and therefore will not add a significant mass to the building, and the mass that is added is angled away from the Gayford Road properties.
- 7.6 The new terrace would be approximately c.10M away from the opposing elevations of the Gayford Road dwellings. The terrace is screened by 1.7M high obscured glazing, thereby mitigating any overlooking. Given the 1.5 metre setback from the rear elevation, the relatively modest height of the screening and the fact that the glazing would still allow light to pass through officers are of the opinion that the proposal will not impact upon the amenity Nos 9, 9A and 11 Gayford Road in terms of loss of light, outlook and sense of enclosure to such a degree that would warrant a refusal of planning permission.
- 7.7 The proposed roof terrace would in effect replace the existing terrace below at first floor level. As such the principle of external amenity space to this property is already established. The proposed terrace has been designed to comply with the Councils requirements under Key Principle HS8 (no more than 15sqm) to mitigate any potential noise and disturbance to the surrounding neighbours. It is also noted the houses all have private amenity spaces which abut the application site. As such external amenity space is an established form of development in the area. On this basis, it is considered that the proposed terrace would not result in noise and disturbance to such a degree that would sustain a refusal of planning permission.

8.0 CONCLUSION

- 8.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.2 In summary, the proposed development would result in one additional room for the application site, together with a small roof terrace at roof level. The scale, massing, design and material finishes would ensure a high standard of design which would preserve the character and appearance of the surrounding area whilst mitigating against detrimental harm to the amenity of surrounding occupants.
- 8.3 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted.

9.0 RECOMMENDATION

- 9.1 Grant planning permission, in line with the recommendations above.