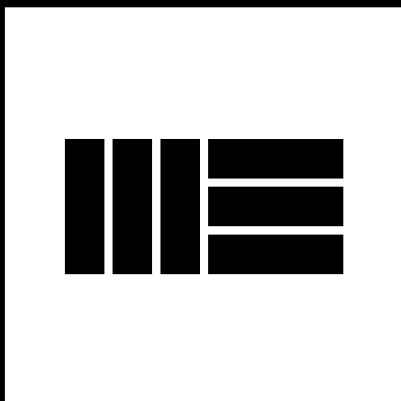


8 DUNSTABLE MEWS LONDON, W1G 6BT

PLANNING STATEMENT

MR MARTIN LAMB

DECEMBER 2020



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1.0 INTRODUCTION

1.1 This Planning Statement (“the Statement”) has been prepared by Montagu Evans LLP on behalf of Mr Martin Lamb and Mrs Jayne Lamb (“the Applicant”) to assist with the determination of an application for planning permission at 8 Dunstable Mews, London, W1F 6BT (the “Site”).

1.1 The description of development is as follows:

“Replacement of ground floor doors with timber doors, replacement first floor front and rear windows with double glazed timber windows, works to the downwards alignment of the down pipe, repainting of existing window cills and the replacement of current roof lights with three new double glazed rooflight windows, raising of the roof panels, and associated works.”

1.2 The application for planning permission hereby submitted is for the reconfiguration of the front elevation, including the replacement of ground floor doors with timber doors, replacement first floor front and rear windows with double glazed timber windows, the downwards alignment of the down pipe and painting of existing window cills. In addition to this, the planning application seeks to replace the current roof light with three new double glazed painted windows and raise both roof panels to enable the installation of 100mm of insulation.

1.3 It should be noted that this application is a resubmission of application ref: 18/02293/FULL, which was approved by Westminster City Council (WCC) on the 31 May 2018. The Proposal to which planning permission is sought do not vary from that approved under the May 2018 application.

1.4 This Application has been submitted to reserve the Applicant’s ability to implement these alterations. There are no changes in the material considerations to which application ref: 18/02293/FULL was determined upon and as such, we request WCC grants planning permission.

Purpose and Format of the Planning Statement

1.5 The purpose of this Statement is to provide a planning policy analysis of the proposed alterations in light of national and local planning guidance. The Statement sets out how the relevant planning policies and other key material considerations, have been taken into account and, in accordance with the policy, the application should be assessed acceptable to Westminster City Council.

1.6 The Site and its surroundings are described in **Section 2.0** with the Site’s Planning History is described in **Section 3.0**.

1.7 **Section 4.0** provides a full description of the proposed development with **Section 5.0** summarising the relevant planning policy.

1.8 **Section 6.0** provides an assessment of the proposed development against the development plan and any other relevant material considerations. A summary and conclusion is contained within **Section 7.0**.

Application Documentation

1.9 This document should be read in conjunction with the following application documents:

- Application Covering Letter including Design and Access Statement prepared by Montagu Evans;
- Application Drawings prepared by Flannery & de la Pole; and
- Planning Application Forms prepared by Montagu Evans.

2.0 SITE AND SURROUNDINGS

The Site

- 2.1 The Site lies within the administrative boundary of Westminster City Council (“WCC”/ “the Council”) and falls within the Marylebone High-street Ward. A site location plan accompanies this submission.
- 2.2 The Site is located on Dunstable Mews, which is bounded by residential development that fronts onto Beaumont Street to the west, Devonshire Street to the north, Upper Wimpole Street to the east and Weymouth Street to the south. The Site comprises two storey, typical mews style dwellings, which form part of a wider terrace of similar style dwellings.
- 2.3 In the wider vicinity both Regents Park and Primrose Hill are located to the north of the Site. To the south, Oxford Street and Cavendish Square Gardens. Fitzrovia is located to the East and to the West, is Paddington.
- 2.4 The Site lies within the Harley Street Conservation Area and is located within Flood Zone 1. The dwelling is neither statutory nor locally listed, but there are six listed buildings within a 50m radius of the Site.
- 2.5 The current main entrances into the Site are located on Dunstable Mews, with vehicle access being located on Devonshire Street. The Site has a PTAL level of 6b, which demonstrates that the Site lies within a highly accessible area.

Surroundings

- 2.6 The surrounding buildings vary in size and style. Buildings along Weymouth Street to the south range between three and seven stories. Along Upper Wimpole Street to the east, the buildings are predominately four storey town houses. Devonshire Street comprises a mix of buildings, with heights ranging from two to five storey buildings. Finally, the buildings situated along Beaumont Street to the north, range from six to two storeys.
- 2.7 The building styles of the immediate surrounds vary considerably. Building ages vary significantly within the surrounding area, comprising of both town houses and flatted developments. Within the immediate vicinity there are range of mews streets of similar style to Dunstable Mews.

3.0 PLANNING HISTORY

- 3.1 From conducting an online search of WCC's planning record, one application is of relevance to the Site.
- 3.2 A Certificate of Lawful Use or Development was refused on 18th December 2017 (under reference 17/10534/CLOPUD). The CLOPUD application proposed the following:
- "Removal of part of the rear roof pitch to create a void within the existing rear roof pitch to create an inverted dormer"*
- 3.3 The CLOPUD application was refused on the basis that the proposed works related to a flat within the building, rather than a house which under Schedule 2, Part 1, Class C of the General Permitted Development Order these alterations would be Permitted Development. As a result, WCC recommended that planning permission should be sought for these proposals.
- 3.4 Planning permission was granted on 31 May 2018 (ref:18/02293/FULL) for
- "Replacement of ground floor doors with timber doors, replacement first floor front and rear windows with double glazed timber windows, works to the downwards alignment of the down pipe, repainting of existing window cills and the replacement of current roof lights with three new double glazed rooflight windows, raising of the roof panels, and associated works."*
- 3.5 This Application has not been implemented as yet.
- 3.6 An application was permitted on 10th July 2018 (ref: 18/02292/FULL) for:
- "External alterations including removal of part of the rear roof slope, raising of front roof by 100mmm, creation of a roof level access hatch and the erection of a dummy mansard to the rear in connections with the creation of a roof terrace."*
- 3.7 This Application has not been implemented as yet.
- 3.8 Planning permission was granted on 25th July 2019 (ref:19/04180/FUL) for:
- "Creation of screened terrace in rear roof slope."*
- Surrounding Applications of Interest**
- 3.9 5 Clarke's Mews, London, W1G 6QN- Planning permission was granted on the 16th September 2011(11/07130/FUL) for:
- "Demolition and rebuilding of roof and front façade, alterations to rear roof profile to create new rear terraces at first and second floor levels with sliding roof light. New windows and garage doors and entrance doors."*
- 3.10 7 Dunstable Mews, London, W1G 6B – Planning permission was granted on the 28th April 2009 (09/01304/FULL) for:
- "Demolition of mews building behind retained front façade and part retained rear façade, alterations and extensions including raising roof height and single storey rear extension in connection with use of building as single dwellings (Part of a land use swap with 54 Wimpole Street)."*
- 3.11 57 Lancaster Mews, London, W2 3QG – Planning permission was granted on 20th July 2012 for:
- "Removal of part of the rear roof pitched to create a void within the existing rear roof pitched to create an inverted dormer."*

4.0 THE PROPOSED DEVELOPMENT

- 4.1 The proposed development seeks to reconfigure the front façade by replacing the garage door and single door on the front elevation, with new painted timber doors. The application seeks to redecorate the existing painted window cills, the existing cast iron rainwater goods and alter the existing pipe from first floor down to drop vertically.
- 4.2 In addition, this application seeks permission for the installation of three new double glazed roof windows, which will replace the existing roof light. The roof will be raised to incorporate 100mm of thermal insulation.

5.0 PLANNING POLICY

5.1 This Section outlines relevant planning policy guidance at national, regional and local levels. It takes into account the adopted and emerging development plan policies, other relevant material considerations. Section 6 provides an assessment of the Application against the above.

National Guidance

5.2 The revised National Planning Policy Framework (the “NPPF”) was published on 19 February 2019. The NPPF sets out the Government’s approach to planning matters, and is a material consideration in the determination of planning applications.

5.3 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a ‘golden thread’ running through decision-taking (paragraph 11), and goes on to state that:

“For decision taking this means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

5.4 In March 2014, the Government published the Planning Practice Guidance (“PPG”) which is a material consideration in relation to planning applications. The PPG replaces a number of previous circulars and guidance to provide a simplified single source of guidance at the national level. The PPG is a material consideration in the determination of applications and is regularly updated.

Statutory Framework

5.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the policies of the statutory development plan, unless other material considerations indicate otherwise.

The Development Plan

5.6 The statutory development plan for this Application comprises:

- The London Plan, Spatial Development Strategy for Greater London (Consolidated with Alterations since 2011) (March 2016) (“the London Plan”);
- The Westminster City Council City Plan (November 2016): Consolidated with all changes since November 2013; and
- The Westminster City Council Unitary Development Plan (UDP) (January 2007), certain policies of which were saved from January 2010 by direction from the Secretary of State.

Emerging Policy

London Plan

5.7 The new London Plan is at an advanced stage of preparation. In December 2019 the Mayor issued to the Secretary of State (SoS) his Intend to Publish London Plan. The Secretary of State wrote to the Mayor of London on 13 March 2020 issuing Directions under section 337 of the Greater London Authority Act 1999 (‘GLAA 1999’) requiring a number of modifications be made to the Intend to Publish London Plan.

- 5.8 The Mayor wrote to the Secretary of State on 9 December 2020 advising him of his intention to formally approve a new draft London Plan on 21 December 2020 based on his best understanding of the Secretary of State's views on the proposed amendments to the London Plan.
- 5.9 The Secretary of State wrote back to the Mayor on 10 December 2020 enclosing: (a) a list of the updated changes to the new draft London Plan showing where the proposed amendments have been accepted and where the Secretary of State considers that the wording should keep to the original Directions of 13 March 2020 and (b) issuing new Directions under section 337 GLAA 1999 in relation to the draft tall building and industrial land policies.
- 5.10 The new London Plan is at an advanced stage of preparation and for recent called in and recovered applications the Secretary of State has applied 'moderate weight' to relevant emerging policies subject to Directions and applied 'significant weight' to relevant emerging policies which are not subject to Directions.
- 5.11 The new Plan will be the third London Plan. Once published, it will replace all previous versions. The concept of 'Good growth' underpins the London Plan, and ensures a focus on sustainable development. Good Growth is described as being socially and economically inclusive, and environmentally sustainable

Emerging Westminster City Plan

- 5.12 Westminster City Council are in the process of producing a new local plan. Upon adoption the new City Plan will provide planning guidance for the borough until 2040 and will replace the current Westminster Development Plan.
- 5.13 The Council submitted the City Plan to the Secretary of State on 19 November 2019. The hearing sessions on the new Local Plan are taking place digitally between the 28 September and 2 October 2020 and 12 October and 16 October 2020.
- 5.14 Following the City Plan Examination hearing, the Council are currently consulting on the main modifications to the Plan as recommended by the Inspectorate. Consultation on the Main Modification is currently running between 30th November and 18th January 2021.
- 5.15 Given the advanced nature of the policies these are considered a material consideration.

Regional Guidance

- 5.16 The Greater London Authority (GLA) has published a number of supporting documents that are relevant in the consideration of this application. Of particular relevance are:
- SPG: Shaping Neighbourhoods: Character and Context (June 2014);
 - SPG: London Planning Statement (May 2014); and
 - SPG: Sustainable Design and Construction (April 2014).
- 5.17 The Council has a number of adopted policy documents which are material considerations in respect of the Application including:
- Harley Street Conservation Audit SPD (2008);
 - Inclusive Design and Access (2007);
 - Design Matters in Westminster SPG (2001);
 - Development and Demolition in Conservation Areas SPG (1996); and
 - Roofs: A Guide to alterations and Extensions on Domestic Buildings SPG (1995).

Site Specific Designations

- 5.18 The site subject the following designations under the City Plan Policies Map (November 2016):
- Harley Street Conservation Area;

- Marylebone and Fitzrovia Activity Zone; and
- Harley Street Special Policy Areas.

5.19 Under the emerging Westminster City Plan, the Site benefits from the following draft allocations:

- Harley Street Conservation Area;
- Marylebone and Fitzrovia Activity Zone; and
- Harley Street Special Policy Areas.

5.20 The remainder of this document identifies the key issues relevant to the determination of the Application and considers these in the context of relevant policy guidance and other material considerations.

6.0 PLANNING POLICY ASSESSMENT

6.1 Within this section, we assess the component parts of the proposed development against the statutory development plan and other material considerations as outlined in **Section 5.0**.

6.2 Whilst the acceptability of the proposed alterations to 8 Dunstable Mews will be predicated on a demonstration of high-quality design that provides positive contribution to both the building, the wider conservation area and settings of nearby Listed Buildings, it should be noted that an application for identical alterations was approved in May 2018 by WCC. There are no material considerations that would present WCC with any alternative conclusions to that which were drawn in the determination of the May 2018 application.

Design

6.3 High quality and inclusive design is encouraged at all policy levels. The NPPF notes that good design is a key aspect of sustainable development and plays a crucial role in promoting better places for people. Paragraph 127 of the NPPF states that planning policies and decision should ensure that developments:

- *“will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

6.4 Chapter 7 of the London Plan sets out the Mayor’s policies to ensure well designed places are produced. Policy 7.4 (Local Character) states that development should have regard to the form, function and structure of an area, place or street, taking particular reference to the surrounding scale, mass and orientation of buildings. Part D of Policy 7.6 (Architecture) states that buildings and structures should *“not cause unacceptable harm to the amenity of surrounding land and buildings”*.

6.5 Within the emerging London Plan, Chapter 3 reinforces the Mayor’s commitment to ensuring the delivery of good quality designed developments, which reflect and respond to London’s character.

6.6 Draft Policy D1 (London’s form, Character and Capacity for growth) requires developments to respond to local context by delivering buildings and spaces that are positioned and are of a scale, appearance and shape that responds successfully to the identity and character of the locality. Further, Draft Policy D5 (Inclusive Design) requires developments to deliver inclusive environments that meet the needs of all Londoners.

6.7 In addition, Policy S28 of the Westminster City Plan states that development must incorporate an exemplary standard of sustainable and inclusive urban design. The policy further states that imaginative modern architecture is welcomed and encouraged, as long as it respects Westminster’s heritage and local distinctiveness.

6.8 Saved UDP Policy DES1 sets out the Council’s principles of urban design and conservation, targeting the highest standards of design and materials and developments that respect their setting. Policy DES5 is specifically concerned with alterations and extensions, providing detailed guidance on such proposals. It states that permission may be granted for such proposals where the development does not visually dominate the existing building.

- 6.9 Within the emerging City Plan, draft Policy 38 (Design Principles) requires all new development to incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture benefits Westminster's world-class status environment and heritage and its diverse range of locally distinctive neighbourhoods. The draft Policy further requires all developments to positively contribute to Westminster's townscape and streetscape having regard to the character and appearance of the existing area, adjacent buildings and heritage assets, materials, building lines, scale and orientation.
- 6.10 The proposed changes to the front elevation are relatively minor and in our view uncontentious. We consider the introduction of new replacement doors on the front elevation to be characteristic of Dunstable Mews and the wider Conservation Area.
- 6.11 The realignment of the drain pipe at first floor, to drop vertically, will improve the overall look of the building. The introduction of three new windows on the front elevation of the roof, will be of high quality design and will be an unobtrusive addition to the building's façade and therefore maintain the building's contribution to the Conservation Area and its own historical character.
- 6.12 This application proposes minor alterations to the front elevation of 8 Dunstable Mews of high quality design. The alterations serve to enhance the aesthetics of the building and its visual contribution to the Conservation Area. They also enhance the residential amenity enjoyed within the dwelling, whilst ensuring the character and appearance of the wider Conservation Area is preserved.
- 6.13 During the determination of the May 2018 application, discussions regarding the proposed changes to the elevation were held with Officers and the proposal was subsequently revised to ensure they were in keeping with the wider character of the Conservation Area and deliver a high quality development. As such, it was considered that the proposal was minor in nature and acceptable in design terms.
- 6.14 As set out above, there are no material considerations which would give rise for an alternative conclusion to be drawn and therefore the proposal is considered to be again acceptable in design terms.

Conservation Principles

- 6.15 The Site is within the Harley Street Conservation Area and it is therefore a statutory requirement to consider the impact of the proposed development on the character and appearance of the Conservation Area.
- 6.16 A strategic policy of the NPPF is to conserve and enhance the historic environment. Paragraph 184 describes heritage assets as an:
- "...irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."*
- 6.17 Paragraph 189 further states that in determining applications, local planning authorities should require an application to describe the significance of any heritage assets affected, including any contributions made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.18 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Paragraph 193).
- 6.19 At regional level Policy 7.8 of the London Plan (2016) states that developments affecting heritage assets and their setting should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 6.20 Furthermore, draft London Plan Policy HC1 states that developments proposals affecting heritage assets and their setting should conserve their significance, by being sympathetic to the assets' significance and appreciation within their

surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings, should also be actively managed.

- 6.21 At a local level, Policy S25 of the City Plan outlines the Council's commitment to conserve the borough's extensive heritage assets.
- 6.22 Saved UDP Policy DES9 sets out further design policy in relation to applications within conservation areas. Part c) of the policy finds that alterations of unlisted buildings within conservation areas can be supported, with an appropriate design approach. The Harley Street Conservation Area Supplementary Planning Document (SPD) has very little guidance specifically on the alteration of mews buildings. The only direct reference of Dunstable Mews in the Audit is to its well preserved 'mews' nature.
- 6.23 Figure 76 of the SPD details that the buildings located along Dunstable Mews are unlisted buildings of Merit. Saved Policy DES9 further indicates that permission will not be given for proposals which involve the demolition or substantial alteration of buildings, such as unlisted buildings of merit. The Westminster City Plan does not provide any further guidance relating to unlisted buildings of Merit.
- 6.24 Within the emerging City Plan, draft Policy 39 (Westminster's heritage) requires developments to optimise the positive role of the historic environment. This will be achieved through ensuring heritage assets and their settings are conserved and enhanced as appropriate to their significance, secure the conservation and continued benefits use of heritage assets and place heritage at the heart of place making and good growth.
- 6.25 It is considered that the proposed alterations do not constitute demolition or substantial alterations. They are relatively small in scale and will not alter the overall character of the building. Changes such as the realignment of the drain pipe and the installation of new doors, reflect the style of the other mews dwellings located along Dunstable Mews. The introduction of three new windows will be designed to a quality required by the conservation design code and are considered to adhere to the statutory duty to preserve or enhance Conservation Areas.
- 6.26 It should also be noted that during the determination of the May 2018 application, Officers at WCC did not consider that the proposed alterations to the elevations would result in harm to the conservation area. The emerging City Plan seeks to retain WCC's adopted approach to the conservation and enhancement of heritage assets and as such, the proposal further aligns with the emerging policy requirements.

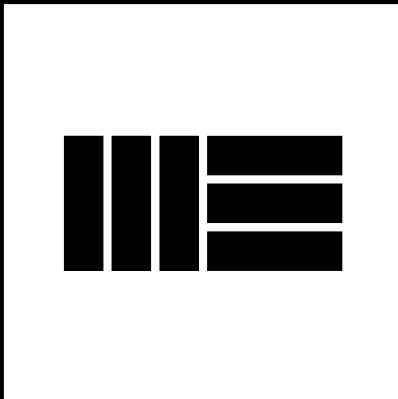
Neighbouring Amenity

- 6.27 Part D of Policy 7.6 (Architecture) of the London Plan (2016) states that buildings and structures should "*not cause unacceptable harm to the amenity of surrounding land and buildings*".
- 6.28 Saved Policy ENV13 sets out the Council's standards for the protection of amenities, daylight and sunlight and environmental quality. Policy S29 (Health, Safety and Well-Being) states that the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.
- 6.29 At a local level within the emerging City Plan, draft Policy 7 (Managing development for Westminster's people) states that developments will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, private and overlooking.
- 6.30 The proposed works within this application will not produce an adverse impact on neighbouring amenity, due to their small scale and nature. The introduction of the three double glazed windows within the existing roof will not disturb the daylight and sunlight of the neighbouring building. The proposed roof design will not produce any overlooking.
- 6.31 The proposed development therefore will not have any adverse impact on the amenity of neighbouring residents. This position was confirmed by WCC in the May 2018 application and therefore the principle should be again applied to this application.

7.0 CONCLUSION

- 7.1 The proposed development seeks planning permission for the reconfiguration of the front elevation, including the replacement of ground floor doors, downwards alignment of the down pipe and painting of existing window cills. In addition this planning application seeks to replace the current roof light with three new double glazed roof lights and raise the roof to allow 100mm of thermal insulation.
- 7.2 The proposals are entirely consistent with both the adopted and emerging London Plan and Westminster City Plan and Saved Unitary Development Plan. The proposed development is policy compliant in terms of design and in particular respects the guidance relating to development within the Conservation Area. Although this development is small in scale, it has the ability to actively contribute to the up keep of both 8 Dunstable Mews and Dunstable Mews as a whole.
- 7.3 The Application seeks permission for alterations to the elevation which are identical to those which were approved under application ref: 18/02293/FULL in May 2018. This Application has been submitted to reserve the Applicant's ability to implement these alterations. There are no changes in the material considerations to which application ref:18/02293/FULL was determined upon and as such, we request WCC grants planning permission.
- 7.4 Notwithstanding the above, the proposals have been carefully designed to complement the existing architecture of the mews and to respect the surrounding built form. The proposals have been fully assessed both with regard to design and the impact on surrounding occupiers in terms of sunlight, daylight and overshadowing, finding no appreciable impact.

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WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.