



Your ref:
My ref: P23/00365

Please reply to: Christina Sriramula
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Email: northplanningteam@westminster.gov.uk

Mr Aman Parekh
Savills
33 Margaret Street
London
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Town Planning & Building Control
Westminster City Council
PO Box 732
Redhill
RH1 9FL

Date: 22 August 2023

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

10 Abercorn Close, London, NW8 9XS,

Partial demolition of the rear elevation and rebuilding of facade incorporating a solar shading system, glazed walls and Juliette balconies.

Thank you for your enquiry regarding the above planning matter received on 29 June 2023 and for your patience whilst I respond.

Site & Constraints

The application site is an unlisted building located within the St John's Wood Conservation Area. The building is in use as a dwelling house. Abercorn Close is a small scale, cobbled mews street, and the application building is located on the west side of the street.

The site is located within an area defined by the following constraints:

- St John's Wood Conservation Area

Proposal

Pre-application advice is sought on the following:

- Solar shading system to the rear of the garages with brick effect or metal sliding screens
- glass panels inserted into the walls
- sliding door to the first floor
- discreet Juliette balconies
- glass window to the rear of the garage

The key considerations in this case are:

- The impact of the proposed solar shading system and rear alterations on the character and appearance of the St John's Wood Conservation Area
- The impact on the amenity of adjacent occupiers

Each of these will be taken in turn below.

Planning History

22/02060/FULL – Permitted 03.03.2023

Excavation of a single level basement beneath the rear garden linking to internal lower ground floor lobby area.

22/06563/CLEUD – Permitted 16.11.2022

Confirmation of the lawful implementation of the Planning Permission 16/00056/FULL for the: 'excavation of a new single storey basement below existing building to accommodate further accommodation and a car stacker, the installation of four roof lights to main roof level, alterations to front and rear elevations, the removal of shed to rear garden and installation of an air source heat pump in new acoustic enclosure plus bin and bike store. Namely, the introduction of a lightwell within the rear garden with bridge above and reorganisation of internal space'.

21/07542/NMA – Refused 24.02.2022

Amendments to planning permission dated 07 March 2016 (RN: 16/00056/FULL) which itself varied condition 1 of planning permission dated 26 May 2015 (RN: 15/00541/FULL) for excavation of a new single storey basement below existing building to accommodate further accommodation and a car stacker, the installation of four roof lights to main roof level, alterations to front and rear elevations, the removal of shed to rear garden and installation of an air source heat pump in new acoustic enclosure plus bin and bike store. Namely, to allow the provision of new step to main front entrance door, extension to rear light well at rear garden, relocation of consented rear access door to adjacent position, and internal room layout amendments.

21/06484/FULL – Withdrawn 03.11.2021

Variation of Condition 1 of planning permission dated 7th March 2016 (RN 16/00056/FULL) for the variation of Condition 1 of planning permission dated 26 May 2015 (RN: 15/00541/FULL) for excavation of a new single storey basement below existing building to accommodate further accommodation and a car stacker, the installation of four roof lights to main roof level, alterations to front and rear elevations, the removal of shed to rear garden and installation of an air source heat pump in new acoustic enclosure plus bin and bike store. Namely, to enable amendments to be made to the internal layout appearance of the dwelling and other minor alterations to that already approved by the LPA Minor-material amendment to planning permission (RN16/00056/FULL) approved by the LPA on 07 March 2016 namely new (basement) media room below garden area and stairs to this new level to fall from the existing internal lower ground floor lobby area. Internal room layout amendments. New step to main front entrance door. Extension to rear light well to rear garden. Relocation of consented rear access door to adjacent position.

16/00056/FULL – Permitted 07.03.2016

Variation of Condition 1 of planning permission dated 26 May 2015 (RN: 15/00541/FULL) for excavation of a new single storey basement below existing building to accommodate further accommodation and a car stacker, the installation of four roof lights to main roof level, alterations to front and rear elevations, the removal of shed to rear garden and installation of an air source heat pump in new acoustic enclosure plus bin and bike store. Namely, the introduction of a lightwell within the rear garden with bridge above and reorganisation of internal space.

15/00541/FULL – Permitted 26.05.2015

Excavation of a new single storey basement below existing building to accommodate further accommodation and a car stacker, the installation of four roof lights to main roof level, alterations to front and rear elevations, the removal of shed to rear garden and installation of an air source heat pump in new acoustic enclosure plus bin and bike store

Design

The relevant policies for consideration are 38, 39 and 40 of the City Plan 2019-2040.

Abercorn Close was originally erected around 1830 as a street incorporating buildings for stabling and service uses in association with serving the grand villas which face onto Hamilton Terrace. Whilst it is evident that several buildings have been more significantly altered to the rear, the clear impression remains of a terrace of buildings which retains much of its original earlier 19th century character intact, both in terms of the original fabric and character and the contribution to the character and appearance of the St John's Wood Conservation Area in which it is located.

The property is highlighted as an unlisted building of merit in the St John's Wood Conservation Area Audit, and I consider it can be regarded as a non-designated heritage asset.

Solar Shading System

Mindful of this, the overtly modern, highly glazed, and visually striking approach shown is one which would unacceptably clash with the character of this building and the terrace and surroundings, and would not be capable of support as part of an application proposal. Though recognising that several different options have been presented in your pre-application submission, nonetheless they all adopt an approach of the demolition of the rear and its replacement with a similarly striking approach described above rather than the existing and appropriate traditional design and solid massing found to this building and the majority of others in the terrace and surrounding principally 19th century townscape to this part of the conservation area.

It is noted that inspiration for the design approach has come from previous approvals to nos. 6 and 7 Abercorn Close, however as noted in your submission the rear elevations of those buildings at the time of the application reflected an almost fully glazed design, and this had a very considerable bearing on the decision to approve new elevations in modern style. That situation however does not exist to the rear of these current buildings, which retain considerable elements of their original character. As such, those approvals cannot be comparable to give weight to the current proposals, and would not allow for a positive recommendation to be made.

Whilst the in-principle objection stands and would not overcome the concerns set out in this letter, should you nonetheless progress with such proposals, you are advised that further clarity would be required in terms of the extent of demolition of the building associated with this work, and your attention is drawn to the general thrust of our sustainability policies and the strong desire to retain and retrofit buildings.

To note, several other changes apparent on the drawings, albeit not referred to in the submission, namely that the area of hardstanding to the rear garden becomes particularly large and mindful of the green landscaped character of this part of St John's Wood. You are strongly advised to minimise the scale of the rear patio and retain the rear garden as principally green landscaping. Any paving which is proposed should be permeable to ensure that it allows for sustainable drainage.

Rear Lightwell/Glass Bridge

In addition, the changes to the rear lightwell at ground floor level appear to follow those shown in the application 21/07542/NMA (not agreed as a non-material amendment to previously approved application 16/00056/FULL) which was accompanied by an informative that 'You are advised however that any increase in size of the rear lightwell or design changes enhancing its visual impact would not be likely to be considered acceptable in terms of the appearance of the building.' The changes to which concern was referred to in this statement are shown in this current application and would, as previously advised, not be supported. The significant change however from the NMA scheme is the incorporation of a glass bridge, which would further highlight the more striking visual

impact of a lightwell which should remain a much more discreet visual feature to the rear of this mews building and as such also would not be capable of support.

As the proposals are unlikely to be support in Design and Conservation terms, you are strongly advised to retain the existing elevation.

Amenity

Relevant policies for consideration are policy 7 and 33 of the City Plan 2019-2040.

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 states that 'Developments must be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users'.

Openings at first floor level to the rear elevation are not uncommon, therefore, subject to design, given their location and size of the opening, the discreet Juliette balconies at first floor level serving the living room and bedroom 2 are unlikely to result in loss of privacy. The site backs onto no.104 Hamilton Terrace and also given the proximity (27m) between the application site and no.104 Hamilton Terrace, this element is not contentious in amenity terms.

There is likely to be an increase in levels of light pollution with the use of glass, however given the domestic nature of the site and proximity between neighbouring properties, the levels are unlikely to be significantly harmful.

Sustainability

Policy 38 (Design Principles) states that development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design.

Any forthcoming application submission should be accompanied by a Sustainable Design Statement providing a proportionate level of information to demonstrate how the development would positively address policy 38. Your attention is drawn to the City Council's adopted Environmental Supplementary Planning Guidance which can be viewed on our website and gives considerable advice and guidance on sustainability measures and incorporating them into a development scheme. A statement template is also available on our website.

Procedural Matters

Notwithstanding the advice provided above, should you wish to proceed with a formal submission, the proposals can be dealt with in the following ways:

The Certification of Lawfulness application (RN: 22/06563/CLEUD) recently confirmed the implementation of works approved under: 16/00056/FULL which included alterations the front and rear elevation originally. The current proposals for demolition of rear façade and rebuilding of rear façade incorporating solar shading and Juliette balconies cannot be determined as a stand alone application given the works in our opinion would be intrinsically linked to the excavation and construction works of the basement (i.e the basement works would not be completed and then the rear elevation demolished and rebuilt; nor would the rear elevation require propping up to facilitate the excavation works if it had been demolished) or under a variation application (section 73) as the proposals would be materially different to what was originally approved in May 2015, later varied in

March 2016. Therefore, you must apply with a fresh application for all the works previously approved inclusive of the rear demolition, solar shading façade and Juliette balconies.

Given our advice above, regarding the unacceptable demolition of the rear façade and the new faced incorporating the solar shading, you may wish to pursue the Juliet Balconies as permitted development as these appear to be works falling under Schedule 2, Part of 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (there appear to be no Article 4 directions restricting permitted development elevation alterations at the application site and in addition, the previously approved schemes do not have conditions attached removing permitted development rights) . You would be advised to apply for a Lawful Development Certificate confirming these works are permitted development.

The advice contained within this letter is for guidance and does not prejudice the consideration of any future applications under the Planning Acts. If you require any further guidance please contact Christina Sriramula on 07866033879.

Yours faithfully,
Deirdra Armsby

(Please see below further additional advice considered by officers to be relevant to your application)

Further information

Following on from our site specific advice above, please find below important additional advice and links and supplementary guidance relevant to your pre-application advice request.

Application Validation Requirements

You are advised to refer to the council's validation checklists to ensure that all suitable documents are prepared before an application is made. This is available on our website here:

<https://www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-applications/making-planning-application/validation-requirements>

In order to speed up the processing of your application, submitted documents and drawings should be titled in accordance with our file naming protocol. More information is available on our website: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-applications/making-planning-application. If you provide the drawings on a CD or an USB stick, the size of each document must be maximum 5 MB.

Community Infrastructure Levy

Developments that will be liable for the Mayoral CIL and Westminster CIL include those that comprise any new build – that is a new building or an extension – of 100 square metres or more of gross internal floor space (GIA), or any development that will comprise one or more dwellings, even when that is below 100 square metres of GIA. Change of use proposals may also be liable for the Mayoral/Westminster CIL. The Mayoral CIL charge stands at £80 per square metre against all but health, education and affordable housing floorspace. There are additional charges for retail, hotel and office development within CAZ and we will be required to calculate, collect and enforce the Mayoral CIL for developments within Westminster. You will be required to provide sufficient information to allow us to determine whether a development is liable to pay the Mayoral/Westminster CIL and calculate the amount of CIL.

More information regarding Westminster's CIL, including a charging schedule can be found on our website www.westminster.gov.uk/cil

Information regarding Mayoral CIL can be found here:

www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy