



City of Westminster

# Committee Agenda

Title:

**Planning Applications Committee (4)**

Meeting Date:

**Tuesday 9th August, 2016**

Time:

**6.30 pm**

Venue:

**Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64  
Victoria Street, London, SW1E 6 QP**

Members:

**Councillors:**

Tony Devenish (Chairman)  
Angela Harvey  
Robert Rigby  
Jason Williams



**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.**

**Tel: 020 7641 2341; Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

- |  |                          |
|--|--------------------------|
| <b>1. 25 - 26 DERING STREET, LONDON, W1S 1AT</b>             | <b>(Pages 3 - 28)</b>    |
| <b>2. 380-384 HARROW ROAD, LONDON, W9 2HU</b>                | <b>(Pages 29 - 58)</b>   |
| <b>3. 5-7 SUTHERLAND AVENUE, LONDON, W9 2HE</b>              | <b>(Pages 59 - 76)</b>   |
| <b>4. THE VINE HOUSE, 54 ROMNEY STREET, LONDON, SW1P 3RE</b> | <b>(Pages 77 - 100)</b>  |
| <b>5. 16 ST JOHN'S WOOD ROAD, LONDON, NW8 8RE</b>            | <b>(Pages 101 - 122)</b> |
| <b>6. 17A MONTPELIER SQUARE, LONDON, SW7 1JR</b>             | <b>(Pages 123 - 146)</b> |
| <b>7. 1 GUILDHOUSE STREET, LONDON, SW1V 1JE</b>              | <b>(Pages 147 - 166)</b> |

# Agenda Item

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 9th August 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| Item No | References                  | Site Address   | Proposal   | Applicant |
|---------|-----------------------------|--|--|-----------|
| 1.      | RN NO(s) :<br>16/01916/FULL | 25 - 26<br>Dering Street<br>London<br>W1S 1AT  | Alterations including the demolition of the third floor mansard storey at 25-26 Dering Street and its replacement with a sheer storey; erection of a fourth floor mansard roof extension to provide a 1 x 3 bed flat (Class C3) with access from 315-319 Oxford Street/24 Dering Street; use of the second and third floors as Class B1 offices and associated rear extension at second floor level; first floor rear extension to existing retail shop (Class A1); the creation of a new entrance to the ground floor shop (Site includes 315-319 Oxford Street incorporating 24 Dering Street) |           |
|         | West End                    | <b>Recommendation</b><br>Grant conditional permission including a Grampian condition to secure appropriate arrangements to mitigate the impact of the development upon on-street parking demand. |  |           |
| Item No | References                  | Site Address   | Proposal   | Applicant |
| 2.      | RN NO(s) :<br>15/10082/FULL | 380-384<br>Harrow Road<br>London<br>W9 2HU   | Erection of roof extension to provide new third floor, alterations to front and rear elevations, use of lower ground and ground floors as Class B1 offices and use of first, second and new third floors as 9 flats (Class C3). (Revised Application).   |           |
|         | Harrow Road                 | <b>Recommendation</b><br>Grant conditional permission.   |  |           |
| Item No | References                  | Site Address   | Proposal   | Applicant |
| 3.      | RN NO(s) :<br>12/07598/FULL | 5-7<br>Sutherland Avenue<br>London<br>W9 2HE   | Use of basement levels at 346-348 Harrow Road and 5-7 Sutherland Avenue as a Community Centre by Asian Muslim Cultural Centre.   |           |
|         | Westbourne                  | <b>Recommendation</b><br>Grant conditional permission.   |  |           |
| Item No | References                  | Site Address   | Proposal   | Applicant |
| 4.      | RN NO(s) :<br>15/11341/FULL | The Vine House<br>54 Romney Street<br>London<br>SW1P 3RE   | Erection of mansard roof to Nos. 52, 54 and 56. Erection of rear extension to No. 52 at first and second floor levels; rear extension to No. 54 at first and second floor levels; and rear extension to No. 56 at ground, first, and second floor levels in connection with the conversion to three separate townhouses. Associated external alterations including new window and door opening to front façade, terraces at rear first floor level and balconies at rear first and second floor levels.  |           |
|         | St James's                  | <b>Recommendation</b><br>Grant conditional permission.   |  |           |

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 9th August 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

| Item No | References   | Site Address                                     | Proposal  | Applicant |
|---------|--|--|---|-----------|
| 5.      | <b>RN NO(s) :</b><br>16/05856/FULL<br>16/05857/LBC<br><br>Regent's Park                  | 16 St John's<br>Wood Road<br>London<br>NW8 8RE   | Erection of rear conservatory at ground floor level,<br>side extension at second floor level and erection of<br>outbuilding for use as a gym.   |           |
|         |  |  |   |           |
| Item No | References   | Site Address                                     | Proposal  | Applicant |
| 6.      | <b>RN NO(s) :</b><br>15/11088/FULL<br>15/11089/LBC<br><br>Knightsbridge<br>And Belgravia | 17A<br>Montpelier<br>Square<br>London<br>SW7 1JR | Erection of an extension at rear lower ground and<br>ground floor level and single storey extension at rear<br>third floor level. Installation of stairs connecting the<br>rear extension to garden. Internal alterations,<br>including the lowering of the lower ground floor and<br>pavement vaults by 0.3m.  |           |
|         |  |  |   |           |
| Item No | References   | Site Address                                     | Proposal  | Applicant |
| 7.      | <b>RN NO(s) :</b><br>16/01290/FULL<br><br>Warwick  | 1 Guildhouse<br>Street<br>London<br>SW1V 1JE     | Erection of part-single part-two storey rear extension,<br>to provide additional residential accommodation<br>(Class C3). Installation of rooflight to main building.<br>Installation of replacement rooflight to front lightwell.<br>Replacement of existing windows to the main<br>building, including enlarged lower ground floor<br>opening to the rear. Installation of replacement air-<br>conditioning unit at ground floor level. |           |
|         |  |  |   |           |

# Agenda Item 1

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|----------|
| Item No. |
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|--|--|--|---------------|
| <b>CITY OF WESTMINSTER</b>               |  |  |               |
| <b>PLANNING APPLICATIONS COMMITTEE</b>   | <b>Date</b><br>9 August 2016   | <b>Classification</b><br>For General Release |               |
| <b>Report of</b><br>Director of Planning |  | <b>Ward(s) involved</b><br>West End          |               |
| <b>Subject of Report</b>                 | 25 - 26 Dering Street, London, W1S 1AT,  |  |               |
| <b>Proposal</b>                          | Alterations including the demolition of the third floor mansard storey at 25-26 Dering Street and its replacement with a sheer storey; erection of a fourth floor mansard roof extension to provide a 1 x 3 bed flat (Class C3) with access from 24 Dering Street/315-319 Oxford Street; use of the second and third floors as Class B1 offices and associated rear extension at second floor level; first floor rear extension to existing retail shop (Class A1); the creation of a new entrance to the ground floor shop (Site includes 315-319 Oxford Street incorporating 24 Dering Street) |  |               |
| <b>Agent</b>                             | Mrs Debbie Hume  |  |               |
| <b>On behalf of</b>                      | AAA Investment Ltd   |  |               |
| <b>Registered Number</b>                 | 16/01916/FULL  | <b>Date amended/ completed</b>               | 12 April 2016 |
| <b>Date Application Received</b>         | 3 March 2016   |  |               |
| <b>Historic Building Grade</b>           | Unlisted   |  |               |
| <b>Conservation Area</b>                 | Mayfair  |  |               |

## 1. RECOMMENDATION

|  |
|--|
| Grant conditional permission including a condition to secure appropriate arrangements to mitigate the impact of the development upon on-street parking demand. |
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## 2. SUMMARY

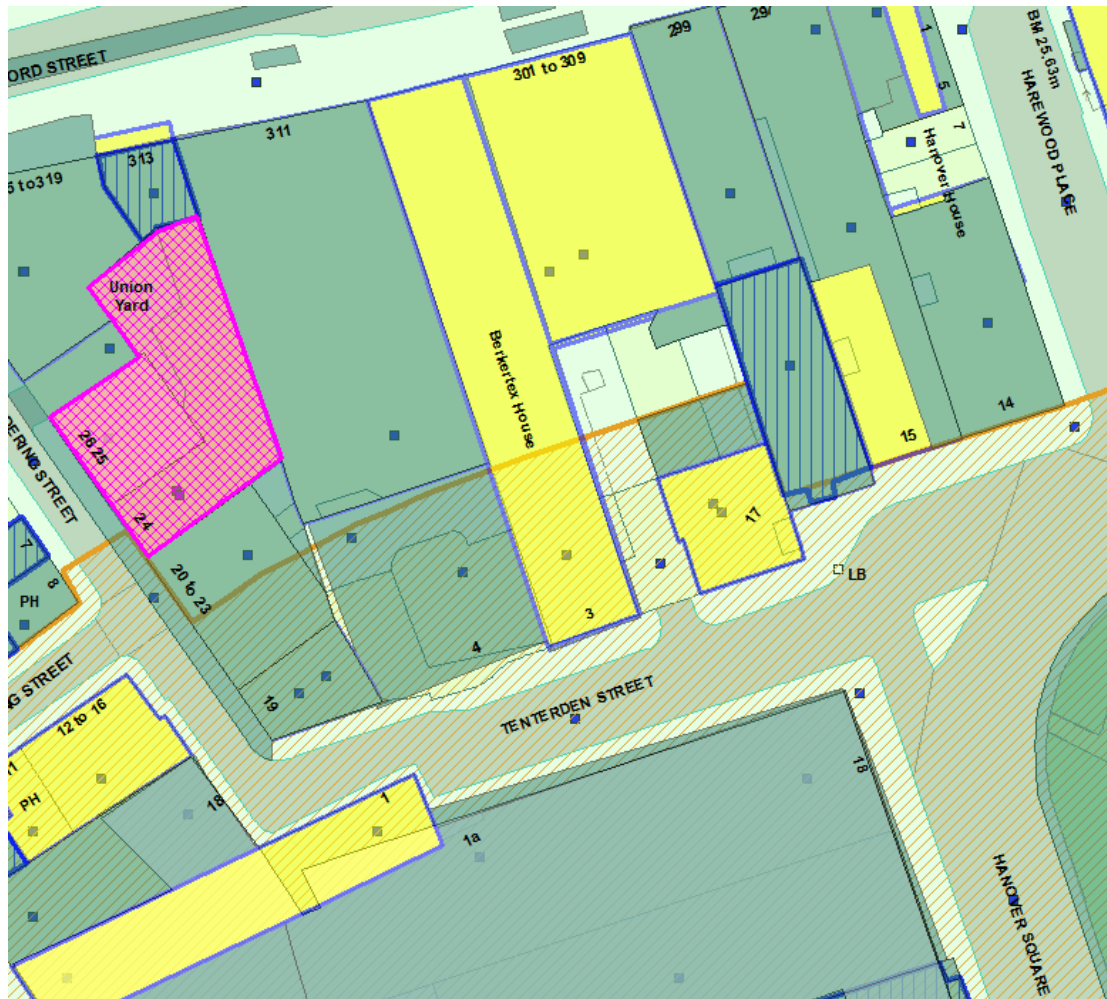
The application site comprises basement to third floors and is wholly in retail use. This application involves alterations and extensions to the building to rationalise the retail accommodation on basement to first floors, to use the second and rebuilt third floor as offices and to erect a mansard roof extension at fourth floor level, encompassing part of the neighbouring site at 315-319 Oxford Street, to provide a new flat, with a plant enclosure above. Objections have been received on the grounds that the proposals would adversely affect the amenities of neighbouring flats, both as a result of the proposal and during the construction process.

The key issues in this case are:

- \* the impact of the development on residents' amenities
- \* The impact of the extensions on the Mayfair conservation area.

There is an extant permission to convert the two upper floors to Class B1 office use and the scheme is considered acceptable on land use grounds. The impact on the character and appearance of this part of the Mayfair conservation area is likewise considered acceptable. Subject to conditions, it is not considered that the proposals would have a material impact upon the amenities of neighbouring residential properties and the application is therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### CROSSRAIL

Do not wish to comment

### RESIDENTS' ASSOCIATION OF MAYFAIR & ST. JAMES'S

No objection providing height and bulk considered acceptable

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### CLEANSING

No objection

### HIGHWAYS PLANNING

Objection: lack of off-street parking; concern regarding shared cycle store for commercial and residential uses.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40; total No. of replies: 3 (including 2 letters on behalf of the same resident and 1 anonymous comment)

Objections received on the following grounds:

- \*Plant noise
- \*Increased sense of enclosure
- \*Increased security risk
- \*Inconvenience caused by temporary removal of plant
- \*Shared use of access to neighbouring flats
- \*Noise disturbance and disruption during the course of construction

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises a group of unlisted building (24 and 25-26 Dering Street and 315-319 Oxford Street), situated on the east side of Dering Street at its junction with the south side of Oxford Street, within Mayfair conservation area, the Core Central Activities Zone and the West End Retail Special Policy Area.

The principal building is 25-26 Dering Street. This building, on basement, ground and three upper floors, has a lawful use for Class (A1) retail purposes. The lower floors are currently occupied as a retail art gallery.

313-319 Oxford Street is in commercial use, with flats "The Verge Apartments" on the upper floors. Access to the lifts and stair cores serving these flats is from 24 Dering Street. The Oxford



Street/24 Dering Street development “wraps around” 25-26 Dering Street. There is a separate ground level refuse store for the flats, adjacent to the residential entrance on Dering Street.

## 6.2 Recent Relevant History

15 April 2015: Permission granted for the change of use of the second and third floors at 25-26 Dering Street as Class B1 offices, including infill extensions to the rear lightwell on second and third floors and creation of separate shop entrance. Not implemented.

## 7 THE PROPOSAL

This scheme involves alterations and extensions to the existing building including:

- i. the demolition of the existing third floor mansard roof extension at 25-26 Dering Street and the fourth floor plant enclosure to 315-319 Oxford Street
- ii. the erection of a sheer storey of replacement accommodation at 25-26 Dering Street, incorporating the existing rear lightwell, and the infilling of the rear lightwells on the first and second floors
- iii. the erection of a fourth floor mansard roof extension to 25-26 Dering Street, encompassing the area to the rear, which is currently occupied by the fourth floor plant room to the Oxford Street building. A replacement plant room would be provided (spanning the roof of the new fourth floor mansard roof extension at 25-25 Dering Street/fifth floor level to 315-319 Oxford Street) to house new plant for the Dering Street development and relocated plant for the Oxford Street building.
- iv. use of the part basement, ground and extended first floors of 25-25 Dering Street for retail purposes (Class A1), formation of a separate entrance to the retail unit and the installation of new internal stairs within the shop, linking the basement to first floors. Part of the basement accommodation would be used to provide shared cycle parking, shower facilities and lockers for the development
- v. use of the extended second and replacement third floors as Class B1 offices
- vi. use of the new fourth floor as a three bedroomed flat, with a small terrace area at the rear. The flat would be accessed from the lift/stair core to the Oxford Street flats via 24 Dering Street.

The existing common staircase and landings will provide access to the second/third floor offices and WC accommodation for the commercial use and a secondary means of escape from the new fourth floor flat.

The application has been amended to revise/clarify details of waste and cycle storage and to amend aspects of the detailed design of the mansard roof addition.

## 8 DETAILED CONSIDERATIONS

### 8.1 Land Use

The schedule of existing and proposed land use figures (GIA) is as follows:

|                         | Existing m2 (GIA) | Proposed m2 (GIA) | +/-           |
|-------------------------|-------------------|-------------------|---------------|
| <b>Retail (A1)</b>      | <b>464.9</b>      | <b>301.8</b>      | <b>-156.8</b> |
| <b>Office (B1)</b>      | <b>0</b>          | <b>174</b>        | <b>+174</b>   |
| <b>Residential (C3)</b> | <b>0</b>          | <b>183.8</b>      | <b>+183.8</b> |
| <b>Total</b>            | <b>464.9</b>      | <b>665.9</b>      | <b>201</b>    |

*\* figures exclude plant areas and relate to changes at 25-26 Dering Street only*

### 8.1.1 Increase in office floorspace

Policy S18 of Westminster's City Plan (adopted July 2016) directs office development to designated locations, including within the Core CAZ, and aims to increase the supply of office floorspace in those areas. In the case of development within Core CAZ which includes net additional B1 office floorspace (GIA), policy S1 sets out the circumstances in which new residential floorspace will be required to offset increase in Class B1 office floorspace. Where the net additional floorspace (of all uses) is:

- less than 30% of the existing building floorspace, or
- less than 400sqm; (whichever is the greater),
- or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no new residential floorspace will be required.

In this case, the total increase in floorspace is less than 400 sqm and consequently, the increase in office floorspace would not generate a residential requirement and the proposed office use is therefore acceptable.

### 8.1.2 Loss of retail floorspace

The existing building was, until 2015, occupied as a haberdashery shop, with each of the five floors accessed from the common staircase, which also provided WC accommodation on the stair landings. In 2015, permission was granted for the use of the second and third floor as Class B1 offices, the creation of a separate access to the shop and the infilling of the rear lightwell to provide additional retail floor space at first floor level. The previous tenant had relocated and it was accepted that the building layout was not conducive to retail trading on the upper floors. The lower floors are now occupied as a retail art gallery.

The current application again involves the use of the loss of retail floorspace on the second and third floors and a small extension to the retained retail accommodation at first floor level. In addition, part of the basement floorspace would be converted to provide shared cycle storage, lockers and showers for the development. Additionally, the main stair, formerly wholly in retail use, would now provide access to the offices, shared WC facilities for the commercial uses and means of escape from the flat and the first floor of the shop.

Given the changes at basement level and the shared use of the stair case, and the previously approved loss of retail floorspace on the second and third floors, there would be an overall reduction of retail floorspace of 156.8 sqm (GIA). Whilst the size of the retail trading area would be reduced by approximately 25 sqm at basement level, which includes one of the basement vaults, the area would remain unchanged at ground level and slightly increased at first floor level.

City Plan policy S21 seeks to protect existing retail floorspace will be protected throughout Westminster, except where the Council considers that the unit is not viable, as demonstrated by long term vacancy. UDP policy SS5 seeks an appropriate balance of town centre uses within the CAZ and the West End Retail SPA, outside the primary shopping frontages, and protects Class A1 retail uses on basement, ground and first floor levels. The supporting text (para 7.48) states that, in the case of department stores, or other large stores, any use replacing a Class A1 retail use at second floor and above should be to a use which serves visiting members of the public. However, this building would not be classified as a large retail shop. Paragraph 7.52 states that the loss of retail floorspace to uses which do not serve visiting members of the public, including Class B1 offices, will not be permitted at second floor level. Paragraph 7.53 further advises that changes of use above or below an A1 use should not jeopardise the long term retail use of the ground floor by diminishing essential ancillary office or storage space.

Notwithstanding, the content of paragraph 7.52, given that the retail use would be retained on the three lower floors, and in view of the advice of the existing occupiers and retail consultants, it is not considered that the loss of retail floorspace on second and third floor level would jeopardise the operation of the retained shop unit or the retail character and function of this part of the CAZ. Although the property is not vacant, the submitted information, suggests that there is unlikely to be any interest in occupying the top two floors for retail purposes.

In these circumstances, notwithstanding the overall reduction in retail floorspace, the rationalisation of the accommodation, which would also facilitate the creation of a mixed use development is considered acceptable in land use terms.

### **8.1.3 Residential use**

The proposals would result in the provision of a new flat within the fourth floor mansard roof extension. The provision of new residential accommodation accords with UDP policies H3 and S14 of the City Plan.

The new three bedroomed unit, measuring 183.8 sqm (GIA), would provide a good standard of accommodation in terms of the levels of light received, room size and layout, meeting National Housing Standards. All windows would be openable but the scheme provides a system of mechanical ventilation allowing future residents to keep their windows shut should they choose. A small external terrace is provided at the rear. Subject to conditions to ensure that the unit would achieve satisfactory internal noise levels in relation to internal and external noise sources, the scheme is considered to provide a good standard accommodation for future residents.

## **8.2 Townscape and Design**

The proposals are to extend the building with a fourth floor mansard roof extension and other more minor alterations. Normally, the addition of a roof extension to a building which has previously been extended would be unacceptable. However, in this case, the façade would be

extended in matching materials and design. The proposed extension is considered to sit well with the façade and the adjacent buildings, in terms of its height and bulk, as well as detailed design.

The proposals are considered acceptable in design terms are considered to be in accordance with the relevant City Plan policies and UDP policies, specifically DES 5, 6 and

### **8.3 Residential Amenity**

The closest residential property to the site of the proposed extensions is the top floor flat at 315-319 Oxford Street. This is a dual aspect flat with access to a terrace overlooking Dering Street. Five, full height windows/glazed doors to the principal living/dining area look southwards. There is access to a second terrace which, to the south and east, is enclosed by a high boundary wall. The existing fourth floor plant enclosure to the roof of 315-319 Oxford Street, sits behind this wall and is not visible from the terrace. To the west, the terrace is enclosed by a glass balustrade. There are views from this terrace, and from the westernmost living room windows, down onto the roof of the existing mansard extension at 25-26 Dering Street, and beyond.

The third floor mansard to the Dering Street building would be demolished and replaced with a sheer storey of accommodation, a fourth floor mansard roof extension and a plant enclosure above. This plant enclosure takes the form of a roof where it fronts Dering Street. The highest part of the new plant enclosure would project slightly above the boundary wall to the adjacent residential terrace. The applicants have advised that, given the position of an existing building slab, and the need to provide an internal height of 2m above the retained slab, the plant enclosure is shown at the minimum height possible.

UDP policy ENV13 requires new developments to safeguard the amenities of neighbouring residents to ensure that proposals do not result in any material loss of daylight or sunlight, any loss of privacy or any increased sense of enclosure to neighbouring windows. Similarly, City Plan policy S29 also requires development proposals to safeguard neighbours' amenities.

#### **8.3.1 Sense of enclosure**

An objection has been received on behalf of the occupier of the top floor flat at 315-319 Oxford Street on the grounds that the proposed roof extension and plant enclosure would project above the height of the terrace wall and would infill the existing "gap" on the western side of the southern terrace, resulting in an increased sense of enclosure to the terrace and living room windows.

The applicants have confirmed that the plant enclosure will project 163mm above the height of the terrace wall and contend that given the height of the wall and its width, this projection would not be readily apparent from the terrace, and officers concur with this view. The plant enclosure would be slightly more evident in longer views from within the top floor flat. However, it is not considered that the sense of enclosure to these windows would be materially affected.

The proposed fourth floor extension, immediately to the west of the terrace, would be set below the height of the terrace floor. The new plant room would sit beyond the line of the terrace wall. While there would be some impact in oblique south-westerly views from the terrace and the westernmost living room windows, it is not considered that the impact would be so significant as to justify a recommendation for refusal or to require the plant enclosure to be set further back from Dering Street as suggested by the objectors, particularly since the roof-like appearance of the plant room is the preferred solution in design terms.

### **8.3.2. Daylight and sunlight**

As detailed above, the proposed plant enclosure would extend above the height of the terrace wall to the objector's flat but given the relationship of these structures to adjacent living room windows, it is not considered that this modest height increase would have a material impact on the level of daylight received to this room, which is served by a number of large windows. Similarly it is not considered that there would be a significant impact on sunlight levels to the living room windows or terrace. As there would be no increase in height and bulk immediately to the west of the existing terrace, it is not considered that there would be a material impact on the levels of afternoon/evening sunlight received.

### **8.3.3. Privacy**

The proposed development does not incorporate any windows overlooking the neighbouring flat. Given the width of Dering Street, windows within the new or replacement accommodation would be unlikely to have an impact on the degree of overlooking to properties opposite.

## **8.4 Transportation/Parking**

The site is located within a Controlled Parking Zone meaning that loading/unloading can take place from single yellow lines. The premises would continue to be serviced from the street and, as the largest regular service vehicle is likely to be a refuse collection vehicle, this is considered acceptable. The Highways Planning Manager has requested a condition to prevent the retail unit being occupied as a food supermarket. However, as the use of the existing retail shop is currently unregulated, and as the scheme involves a reduction in retail floorspace, it is not considered that such a condition could be justified.

UDP policy TRANS 23 details an 80% on-street parking occupancy threshold above which any increase in on-street parking demand is likely to result in an unacceptable level of parking deficiency. The Council's most recent night time parking survey (2015) indicates that occupancy of Respark bays within a 200m radius of the site is at 47%. However, with the addition of all other legal parking spaces, including single-yellow lines, metered bays etc, this occupancy level drops to 14%. However, the daytime parking survey indicates a parking occupancy level of 94%.

Whilst it is acknowledged that the area has a high level of public transport accessibility, given the proportion of households within the West End ward which run one or more cars (29% - 2011 census), the Highways Planning Manager has objected to the application on the grounds that increase in parking demand generated by the new flat would result in further parking stress. However, in the event that other planning considerations outweigh this objection, the Highway Planning Manager has requested that the development include measures to ameliorate the impact of the proposals on on-street parking demand, which would be secured by a Grampian condition. The strongest mechanism for reducing the likelihood of car ownership by future occupants is Lifetime Car Club membership (minimum 25 years). The applicant has confirmed their agreement to this arrangement. Subject to this provision, the application is considered acceptable on parking grounds.

The scheme includes the provision of a basement level cycle store. Whilst the level of provision (2 residential spaces, three office spaces and 2 retail spaces) accords with standards in the Further Alterations to the London Plan, the Highways Planning Manager has expressed security concerns

on as there is no separation between the residential and commercial cycle stores. However, given the site constraints, and the need to maximise the amount of retained retail floorspace, the need to provide accessible cycle storage and the likely level of use, it is not considered that the absence of separate cycle stores could reasonably form the basis of a recommendation for refusal.

## **8.5 Economic Considerations**

Any economic benefits generated by the proposals are welcomed.

## **8.6 Access**

The new flat would be accessed via the existing stair core/lifts serving the flats at 315-319 Oxford Street (accessed from 24 Dering Street). The existing common stair case would also provide a secondary means of escape. A separate lift will also be installed within 25-25 Dering Street.

## **8.7 Other UDP/Westminster Policy Considerations**

### **8.7.1 Plant**

New plant for 25-26-Dering Street and a relocated plant area for the development at 315-319 Oxford Street would be provided within a new fifth floor plant enclosure spanning both properties.

The occupier of the top floor flat at 315-319 Oxford Street has objected to this aspect of the scheme on the grounds that the relocation of the plant room from fourth floor to fifth floor level to a point immediately behind, and projecting in front of, his terrace wall would result in unacceptable noise disturbance to his property, affecting the use of the living accommodation and terrace.

The hours of operation of the existing plant serving 315-319 Oxford Street would be unaffected by the proposals. The plant for the shop and offices at 25-26 Dering Street would operate between 08.30 and 19.00 on Monday to Saturday and between 10.00 and 17.00 on Sundays. This would be secured by condition. The hours of use of the plant serving the new flat would be unrestricted.

The application is supported by an acoustic report which has been updated at the request of the Council's Environmental health Officer. Following the submission of a supplementary report, he has confirmed that the plant proposals are likely to comply with the Council's noise standards. Subject to conditions relating to plant noise and vibration, it is not considered that the objections relating to plant noise could be supported.

### **8.7.2 Refuse /Recycling**

Refuse for the development will be stored in the separate residential and commercial waste stores, which serve the development at 315-319 Oxford Street, accessed from Dering Street. This arrangement is considered acceptable and would be secured by condition.

## **8.8 London Plan**

This application does not raise any strategic issues.

## **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

The application is not of a scale which triggers a requirement for the submission of an EIA.

### **8.12 Other Issues**

#### **8.12.1 Security**

It is proposed to provide an external ladder, leading from the top of the common stair case at 25-26 Dering Street, into the new plant enclosure, via a roof level hatch. An objection has been received on the grounds that, the position of this ladder, adjacent to the terrace balustrade to the top floor flat at 315-319 Oxford Street, would create an increased security risk to his property. Whilst these concerns are acknowledged, access to this ladder is wholly from within 25-25 Dering Street, and it is likely, for safety reasons alone, that its use would be carefully managed and restricted to maintenance personnel. The applicants have confirmed that the access hatch would be kept locked at all times. In these circumstances, it is not considered that there would be a significant risk to neighbours' security.

#### **8.12.2 Construction impact**

One, anonymous, comment has been received on the grounds of potential disturbance during construction works, including noise disturbance and disruption to traffic, particularly as Dering Street is a narrow road.

Additionally, representations made on behalf of the occupants of the top floor flat at 315-319 Oxford Street consider that, given the nature of the development, and the number of residential properties in proximity to the site, that a draft Construction Management Plan be required as part of the application.

Whilst officers are sympathetic to these concerns, given the nature of the development, it is considered that a CMP can reasonably be required. Any permission would be the subject of controls over the hours of building works to safeguard residents' amenities.

#### **8.12.3 Relocation of existing plant**

An objection has been received relating to the impact on residents of the neighbouring site whilst the existing plant room is relocated. The Project Manager for the proposed development has advised that it would be possible to achieve continuous ventilation of the existing residential units during the construction of the additional floor. The ventilation ducts will be extended through to a clean air source, involving new ducting being connected up to the existing system, which could then be suitably relocated in line with the phased construction work. This is normal practice in such scenarios. There may be some temporary disruption of the use of the air conditioning serving the apartments during the relocation of the AC condensers, for a period of approximately

4-6 weeks. However, this work would be undertaken during the colder months as, should permission be granted, construction is scheduled due to commence in October.

#### **8.12.4 Use of shared residential core**

An objection has been received regarding the use of the residential core serving “The Verge Apartments” by occupants of the new flats. The applicant has full control over the application site and the neighbouring building. This is a landlord and tenant issue and is not a matter for planning control.

## **9 BACKGROUND PAPERS**

1. Application form
2. Response from Crossrail dated 26 July 2016
3. Response from Residents’ Society Of Mayfair & St. James's, dated 17 May 2016
4. Response from Environmental Health dated 12 July 2016
5. Responses from Highways Planning Manger dated 29 April and 14 June 2016
6. Responses from Project Officer (Waste) dated 27 April and 16 June 2016
7. Letter and email on behalf of the occupier Flat 11, “The Verge Apartments” , 24 Dering Street dated 18 May and 13 June 2016
8. Anonymous comment dated 26 April 2016

#### **Selected relevant drawings**

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: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk).







Proposed fourth floor plan





Proposed cross-section

**DRAFT DECISION LETTER**

**Address:** 25 - 26 Dering Street, London, W1S 1AT,

**Proposal:** Alterations including the demolition of the third floor mansard storey at 25-26 Dering Street and its replacement with a sheer storey; erection of a fourth floor mansard roof extension to provide a 1 x 3 bed flat (Class C3) with access from 315-319 Oxford Street; use of the second and third floors as Class B1 offices and associated rear extension at second floor level; first floor rear extension to existing retail shop (Class A1); the creation of a new entrance to the ground floor shop (Site includes 315-319 Oxford Street incorporating 24 Dering Street)

**Reference:** 16/01916/FULL

**Plan Nos:** 1526 10.101 P1, 1525 20./210 P4, 202 P4, 203 P3, 204 P3, 205 P3, 206.P5, 207 P3, 208P3, 251 P2, 252 2, 253 P2, 254 P1, 271 P5, 272 P5, 273 P1; 1526 50./601 P1, 602 P1, 603 P1

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

**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

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

3

You must apply to us for approval of samples and specification details of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

(C26BC)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

(R26BE)

4

You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development - i) new dormers ii) new windows and doors. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26DB)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

(R26BE)

5

You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings.

(C26KA)

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

(R26BE)

6

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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

(R26BE)

7

You must hang all doors or gates so that they do not open over or across the road or pavement.

(C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

8

You must provide each cycle parking space shown on the approved drawings prior to occupation of the office and residential uses ( 2 spaces for the residential flat, 2 spaces for the retail use and three spaces for the offices). Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

9

No waste shall be stored on the highway

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

10

You must provide the waste store shown on drawing 1526 20.202 P4 before anyone moves into the offices or residential flat hereby approved. The approved storage facilities must be clearly marked and made it available at all times to everyone using the retail shop, offices and residential flat at 25-26 Dering Street. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

11

You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

12

(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 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 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 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 L A90, 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), 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.

13

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 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

14

You must provide the plant enclosure shown on the approved drawings before you use the machinery. You must then maintain the enclosure in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

15

The plant/machinery hereby permitted serving the retail and office uses shall not be operated except between 08.30 and 19.00 hours on Monday to Saturday and between 10.00 and 17.00 hours on Sundays.

Reason:

In accordance with the submitted application and to safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

16

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order 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.

17

You must not occupy the residential flat hereby permitted until we have approved appropriate arrangements to secure the following.

mitigation of the impact of the residential development upon on-street parking demand in the area

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (July 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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 Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, 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

Under condition 17 we are likely to accept an unilateral undertaking under section 106 of the Town and County Planning Act to secure appropriate arrangements to mitigate the impact of the development upon on-street parking demand as set out in the email dated 27 July 2016 from Strathmore Estates. This is likely to take the form of a unilateral undertaking to provide Lifetime car club membership (minimum 25 years) with a Carplus operator). Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

3

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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

4

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, perhaps by issuing regular bulletins about site progress.

5

Under the Construction (Design and Management) Regulations 2007, clients, the CDM

Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

\* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

\* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

6

Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

\* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

\* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

\* Lighting - ensure luminaires can be safely accessed for replacement.

\* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

7

Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)

8

When carrying out building work you must do all you can to reduce noise emission and take

suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

9

The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
[www.westminster.gov.uk](http://www.westminster.gov.uk)  
Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel: 020 7641 3003 Fax: 020 7641 8504.

10

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. (Phone 020 7641 7240 or 020 7641 7230). (158AA)

11

Conditions 12 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. (182AA)

12

You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

13

Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.

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.

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| <b>CITY OF WESTMINSTER</b>               |   |  |             |
| <b>PLANNING APPLICATIONS COMMITTEE</b>   | <b>Date</b><br>9 August 2016  | <b>Classification</b><br>For General Release |             |
| <b>Report of</b><br>Director of Planning |   | <b>Ward(s) involved</b><br>Harrow Road       |             |
| <b>Subject of Report</b>                 | <b>380-384 Harrow Road, London, W9 2HU,</b>   |  |             |
| <b>Proposal</b>                          | Erection of roof extension to provide new third floor, alterations to front and rear elevations, use of lower ground and ground floors as Class B1 offices and use of first, second and new third floors as 9 flats (Class C3). |  |             |
| <b>Agent</b>                             | ADL Project Management Design Consultant  |  |             |
| <b>On behalf of</b>                      | 77K Limited   |  |             |
| <b>Registered Number</b>                 | 15/10082/FULL   | <b>Date amended/ completed</b>               | 13 May 2016 |
| <b>Date Application Received</b>         | 29 October 2015   |  |             |
| <b>Historic Building Grade</b>           | Unlisted  |  |             |
| <b>Conservation Area</b>                 |   |  |             |

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

The application site is currently vacant and was most recently used as a mixed office and showroom use (sui generis) by the Disabled Living Foundation. The current application seek permission for the erection of a roof extension to provide a new third floor, alterations to the front and rear elevations, use of the lower ground and ground floors as Class B1 offices and use of the first, second and new third floors as 9 residential flats (Class C3).

The key considerations in this case are:

- The acceptability of the office and residential uses proposed in this location within the North Westminster Economic Development Area (NWEDA).
- The impact of the development in design terms on the appearance of this part of the City.
- The impact on the amenity of neighbouring residents.
- The impact on the availability of on-street residents parking in the vicinity.

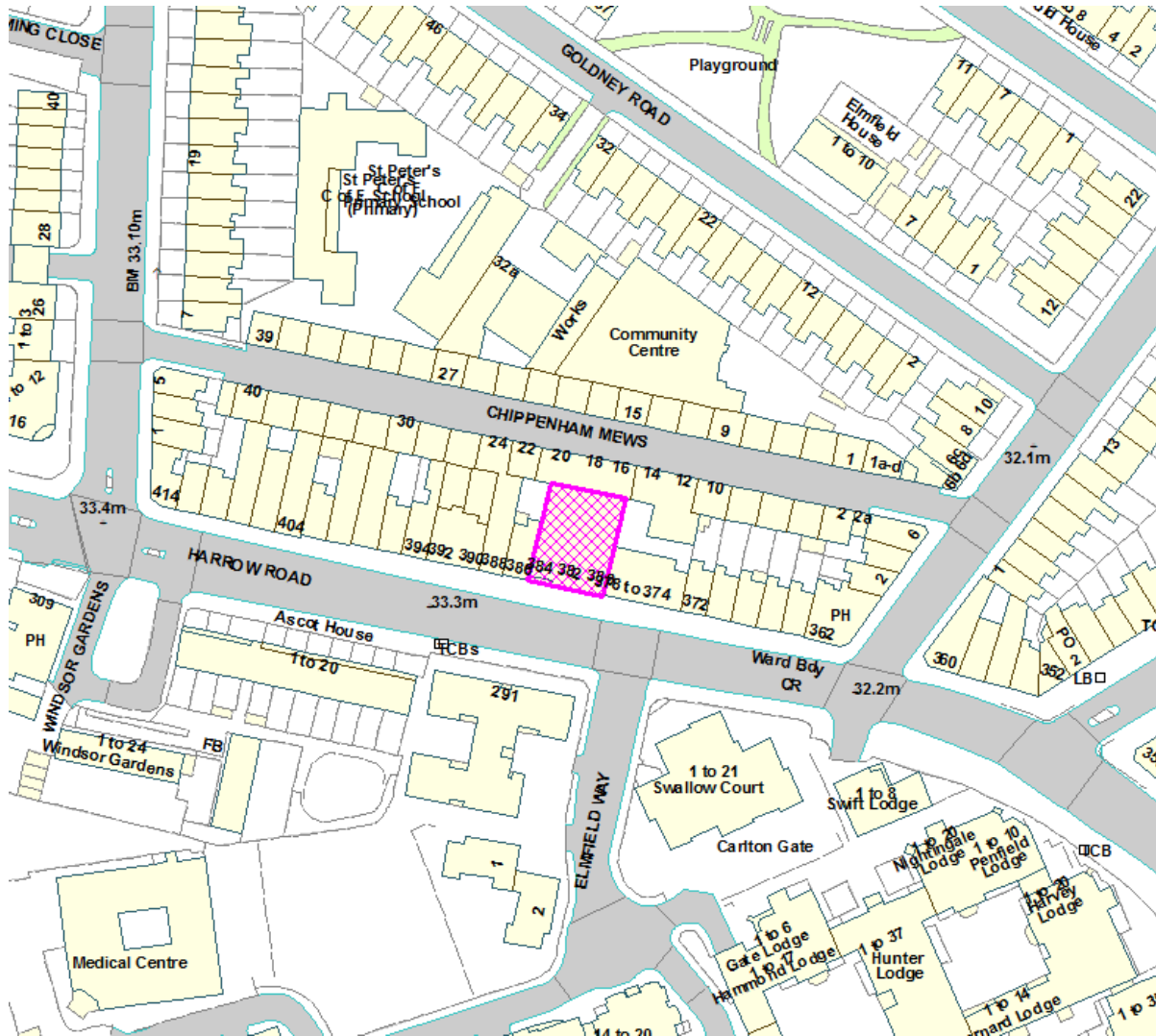
Following amendment during the course of the application to address initial officer concerns, the proposed development is considered to be acceptable in land use, design, amenity and transportation

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terms and in accordance with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in July 2016 (the City Plan). As such, it is recommended that planning permission is granted subject to the conditions set out in the draft decision letter appended to this report.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top), rear elevation in conjunction with Chippenham Mews properties (middle) and rear in conjunction with No.372 to 378 Harrow Road (bottom).

## 5. CONSULTATIONS

### CONSULTATION ON INITIALLY SUBMITTED SCHEME (JANUARY 2016)

#### NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

#### BUILDING CONTROL

Concern regarding fire safety. Residential refuse store should not be accessed directly off the common escape stairway. Stair 2 should not have direct access to commercial unit on the ground floor and residential units on the upper floors. Common corridor providing access to stairs 1 and 2 should be separated with cross corridor fire door. Flat on top floor accessed straight from stair 1 does not have a protected entrance hall.

#### ENVIRONMENTAL HEALTH

Objection. Details should be provided to demonstrate that noise transference between the office accommodation and the residential accommodation in the same building and from external sources will not occur. Suggest conditions that would ensure these concerns are addressed.

#### CLEANSING MANAGER

Any response to be reported verbally.

#### HIGHWAYS PLANNING

Undesirable in transportation terms but could be considered acceptable. There is sufficient on-street residents parking capacity in the vicinity of the site to accommodate the likely increase in parking arising from the development. However, concerned that the insufficient cycle parking is shown on the submitted drawings. Conditions and informatives recommended.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 112.

Total No. of replies: 3.

No. of objections: 3.

No. in support: 0.

3 emails received raising objection on all or some of the following grounds:

#### Amenity

- Loss of light and air.
- Loss of privacy/ increased overlooking.
- Adverse amenity impact, particularly on occupier of properties in Chippenham Mews.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### CONSULTATION ON REVISED SCHEME – REVISED DETAILED DESIGN AND FORM (MAY 2016)

#### NORTH PADDINGTON SOCIETY

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Any response to be reported verbally.

#### BUILDING CONTROL

Concerns regarding fire safety in respect of the means of escape and the layout of some of the flats.

#### ENVIRONMENTAL HEALTH

Concern remains about noise transference from the office accommodation and external sources to the residential accommodation, but acknowledge again that conditions could be used to address these concerns.

#### CLEANSING MANAGER

No waste storage shown for Class B1 office use and this needs to be provided. Capacity of the bin stores for waste and recycling for the residential units needs to be demonstrated to be sufficient.

#### HIGHWAYS PLANNING

Office cycle storage proposed is acceptable. Further details of the residential cycle store are required to demonstrate it is sufficiently large to accommodate the required number of bicycles.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 112.

Total No. of replies: 1.

No. of objections: 1.

No. in support: 0.

1 email received raising objection on the following grounds:

##### Design

- Bulk and height of scheme are out of scale with surrounding area.

##### Amenity

- Loss of light and air.
- Loss of privacy/ increased overlooking.

##### Other Matters

- Increased stress on local infrastructure (traffic, parking, noise etc).

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site comprises a mid 20<sup>th</sup> Century three storey building, plus basement floor, located on the north side of Harrow Road. The application site is entirely developed with no undeveloped curtilage land to the rear. The existing building has office/ showroom windows in

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the boundary side walls with neighbouring properties to the east and west along Harrow Road. The building is not listed and is not located within a conservation area.

The building was last used as a mixed office and showroom use (sui generis), which was operated by the Disabled Living Foundation, who vacated the building in 2013. The site is within the North Westminster Economic Development Area.

Following the vacation of the site by the Disabled Living Foundation in 2013, the rear of the building, where it faced Chippenham Road, has been redeveloped separately pursuant to planning permission granted on 21 May 2014 for the use of this part of the site as four mews houses accessed from Chippenham Mews (see Section 6.2 of this report). Details of this application are also provided in the background papers to enable the relationship with the rest of the site facing Harrow Road, to which current application relates, to be fully understood.

## 6.2 Recent Relevant History

21 May 2014 – Permission granted for redevelopment of the rear of Nos.380-384 Harrow Road (Nos.16-22 Chippenham Mews) to provide 4x3 bedroom three storey dwellinghouses (Class C3) with basement floors (to Nos.16, 18 and 20 only) and ground floor garages (13/09224/FULL) (see decision letter and relevant approved drawings in background papers).

15 July 2015 – Application for prior approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 for use of basement, ground, first and second floors from office (Class B1a) to (Class C3) 23 self contained residential units was refused on grounds that the lawful use of the building was previously as a sui generis mixed office and showroom use (15/04474/P3JPA).

16 September 2015 – A Certificate of Lawful Existing Use or Development Application for use of first and second floors as offices within Class B1(a) was refused on grounds that the lawful use of these floors was as part of a mixed use of the whole building as offices and a showroom (sui generis) (15/06718/CLEUD).

2 November 2015 - Application for prior approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 for use of first floor from office (Class B1a) to 9 self contained residential units (Class C3) was refused on grounds that the lawful use of these floors was previously as part of a sui generis mixed office and showroom use of the whole building (15/08759/P3JPA).

2 November 2015 - Application for prior approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 for use of second floor from office (Class B1a) to 7 self contained residential units (Class C3) was refused on grounds that the lawful use of these floors was previously as part of a sui generis mixed office and showroom use of the whole building (15/08760/P3JPA).

2 November 2015 – A Certificate of Lawful Proposed Use or Development for change of use of ground and basement floors from sui generis (showroom) and workshop (Class B1) use to office Class B1(a) office use was refused on grounds that the change of use proposed is a material change constituting development which requires planning permission (15/08517/CLOPUD).

## 7. THE PROPOSAL

The application seeks permission for the erection of a roof extension to provide new third floor, which would be in the form of a traditional slate hung mansard roof extension. It is proposed to substantially alter the existing front and rear elevations, with the front elevation replaced with a traditionally detailed facade that will mirror the general proportions and detailing of the original Victorian terrace to the west of the site along Harrow Road. The ground floor elevation will comprise traditionally detailed timber shop fronts.

To the rear the facades would be refaced, with the larger office windows in the rear facades replaced with windows of smaller proportions to suit the proposed residential use of the upper floors and to seek to limit overlooking to neighbouring properties.

It is proposed to use the ground and basement floors as Class B1 offices, with the upper floors at first, second and new third floor levels used as 9 residential flats (Class C3). The mix of residential units proposed is 2 studio flats, 4x1 bedroom units, 1x2 bedroom units and 2x3 bedroom units.

The application initially sought permission for alterations and extension to form a building of similar size and form, but designed in a much more contemporary manner. However, the design proposed would not have maintained the appearance of this part of the City. In order to overcome this concern that officer raised during the course of the application, the applicant has revised the scheme to adopt a more traditional approach to the form and detailed design of the building. The revised scheme was the subject of full reconsultation with neighbours and other interested parties in May 2016, as summarised in Section 5 of this report.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The site is located within the North Westminster Economic Development Area (NWEDA). Policy S12 in the City Plan seeks to ensure that development within the NWEDA area increases economic activity within the area or provides local services or improves the quality and tenure mix of housing and also contributes to a number of other priorities set out in the policy.

The loss of the existing mixed office and showroom use of the building is not objectionable given that the proposed development would provide Class B1 office accommodation at ground and basement level, which would provide a replacement use that would contribute to economic activity within the NWEDA.

The principle of providing new residential accommodation on the upper floors is considered to be acceptable in principle in land use terms and would be compliant with Policies S12 and S14 in the City Plan which encourage housing provision in this part of the City as it would contribute to improving the overall housing stock and mix of tenures in this part of the City.

The proposed residential accommodation on the upper floors would comply with or exceed the minimum space requirements set out by the Technical Housing Standards – Nationally

Described Space Standard and the minimum unit sizes specified by Policy 3.5 of the London Plan (2015).

The mix of units proposed, in terms of the number of bedrooms, would fall short of the requirement of Policy H5 in the UDP to provide 33% of all new residential units as 'family sized units' with 3 or more bedrooms. The scheme would provide 22% of the units (2 units) as 3 bedroom flats. However, whilst this falls short of the policy requirement, in this busy Harrow Road location, on a site where conversion of the existing building will not allow for the provision of external amenity space for any of the residential units due to the impact this would have on the amenity of neighbouring residents, it is considered that the provision of a lower proportion of family sized units is justified.

The applicant has submitted a Daylight and Sunlight Assessment that demonstrates that the residential accommodation proposed would accord with, or exceed, the requirements of the Building Research Establishment (BRE) Guidelines (2011) in terms of the amount of daylight they would receive.

The proposed development would create 796m<sup>2</sup> (GEA) of residential floorspace arranged as 9 flats. The flats proposed would not be excessively large in size and therefore they are considered to represent an optimised use of proposed residential floorspace in accordance with S14 in the City Plan. Given that the scheme would not create more than 1,000m<sup>2</sup> (GEA) of new residential floorspace and would not create 10 or more residential units, it does not generate a requirement to provide affordable housing under Policy H4 in the UDP and Policy S16 in the City Plan.

## **8.2 Townscape and Design**

The detailed design and form of the existing building is of little architectural merit and as such the proposals to reface/ reclad the reinforced concrete frame of the existing building is welcome. Following amendment, the traditional detailed design proposed to the street elevation of the site in Harrow Road is considered acceptable in design terms and would comprise a well proportioned facade that would integrate well with the front facades of buildings in the the original Victorian terrace to the immediate west. Conditions are recommended to secure samples of facing materials and detailed drawings of various aspects of the detailing of the facade, including windows and the ground floor shop fronts.

The proposed roof extension would be marginally lower in height than the mansard roof extension to No.386 Harrow Road to the west of the site and would form a much less dominant and more recessive roof addition than the visually heavy roof form to the other neighbouring property to the east at Nos.374 to 378 Harrow Road. The roof extension would be confined to the front of the site facing Harrow Road and would not project back over the substantial rear wing of the building. The roof extension would have pitched mansard roof slopes to the front and rear, set back behind roof edge parapet. In this context, the height, bulk and detailed design of the roof extension are considered to be acceptable in design terms and the objection raised on grounds that the roof extension would be excessively bulky, too high and out of scale with surrounding area cannot be supported.

To the rear it is proposed to reface the existing building and reduce the size of the window openings so that they are more suitable for the residential use they would serve and to minimise overlooking to neighbouring occupiers. The new fenestration proposed would be

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painted timber framed casement windows. Given the functional appearance of the rear of the building at present, the amendments proposed are considered to be acceptable and would serve to improve its general appearance in private views from neighbouring properties.

In summary the proposed extensions and alterations to the appearance of the building are considered to be acceptable, subject the recommended conditions set out in the draft decision letter, and would accord with Policies DES1, DES5 and DES6 in the UDP and S28 in the City Plan.

### 8.3 Residential Amenity

Although the proposed development includes the addition of a roof extension to the existing building, this would be limited to a single storey, would be lower than the buildings to the east and west of the site in Harrow Road and located only at the front of the site facing Harrow Road. In this location the roof extension would be at least 13 metres from the nearest residential windows facing the rear of the site, which are located in the rear elevation of properties in Chippenham Road. At this distance, and given the limited scale of the proposed roof extension, it would not result in a material loss of daylight or sunlight. Accordingly objections on these grounds cannot be supported and permission could not reasonably withheld on grounds of loss of daylight or sunlight.

Similarly, the bulk and height of the proposed roof extension would be sufficiently distant from neighbouring windows in Chippenham Mews so as not to cause a materially increased sense of enclosure. Windows to the rear of neighbouring properties in Harrow Road would face north at right angles to the proposed roof extension and as a result they would not suffer any increased sense of enclosure.

In terms of overlooking, the existing office accommodation contains a significant number of large windows in its rear, east and west elevations and these offer views to the east and west of the site towards the rear of neighbouring properties in Harrow Road and Chippenham Mews. The applicant intends to lessen the existing sense of overlooking by replacing the fenestration to the rear of the site with smaller window openings, some of which would be partially obscure glazed and fixed shut. It is considered that these amendments would lessen overlooking such that, notwithstanding the change of use of the upper floors to residential use, which is likely to increase occupancy of the building into the evening and at night, the proposed development would not result in a material increase in overlooking. Conditions are recommended requiring the obscure glazed elements of the windows to be obscured and fixed shut and the amendments to the size of the window openings to the rear and side elevations be carried out prior to occupation of the relevant office and residential parts of the development.

The scheme does not include any external amenity spaces as the use of the roofs to the rear as such would be likely to give rise to overlooking of neighbouring residential windows. A condition is recommended preventing the use of all of the roofs of the building as terraces or for sitting out on, so as to prevent overlooking.

In summary in amenity terms, subject to the recommended conditions, the proposed development would accord with Policies ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.



#### **8.4 Transportation/Parking**

The Highways Planning Manager has confirmed that in this location there is currently sufficient remaining on-street parking provision, both during daytime hours and overnight, to accommodate the predicted increase in on-street parking that would occur as a result of the proposed development. As such, the proposal accords with Policy TRANS23 in the UDP and the objection on lack of parking grounds cannot be supported as a ground on which to reasonably withhold permission.

The Highways Planning Manager has expressed concern that the residential cycle store may not be sufficiently large to accommodate the required number of bicycles to accord with the London Plan (2015). The applicant has provided details of a cycle stacking system to seek to demonstrate that the area proposed is sufficiently large. Any further comments on this clarifying information will be reported verbally to the committee. The Highways Planning Manager does not object to the office cycle store. A condition is recommended to secure the cycle storage permanently for use by future occupants and office workers.

The proposed office accommodation and residential units would need to be serviced from Harrow Road. However, this is currently the case with the existing mixed office and showroom use of the building and as such the Highways Planning Manager does not find the continued use of the highway for servicing to be objectionable given it is unlikely to be used more intensively for this purpose than it is at present.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

The proposed development would provide level access to the residential accommodation at ground level with a lift serving all of the residential floors. Step free access would be provided to the office accommodation at ground floor only. Given this is a conversion of an existing building, this level of accessibility is considered to be acceptable and in accordance with Policies DES1 and TRANS27 in the UDP.

#### **8.7 Other UDP/ City Plan/ Westminster Policy Considerations**

The Basement and Mixed Use Revisions to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March and the Basement and Mixed Use Revisions to the City Plan were subsequently agreed by Full Council on 13 July 2016. Consequently this version of the City Plan is now the adopted version and full weight can be attributed to all of the policies within it for development management purposes.

Environmental Health have raised concerns with regard to the potential for the residential accommodation within the development to be adversely affected by noise from the office accommodation at ground level and from external sources such as road noise. These

concerns can be addressed by the imposition of the conditions recommended by Environmental Health, which would ensure that the structure of the building and the specification of the new windows would be sufficient to prevent excessive noise transference from these sources.

Building Control have raised concerns regarding fire safety in relation to the layout of a number of the flats and the arrangements of the means of escape within the building. Given that these concerns relate to the internal arrangement of a small number of areas of the building, these concerns can be resolved by the applicant without the need for planning permission. As such, permission for the current application cannot be withheld on these grounds. An informative is though recommended to advise the applicant of the concerns raised by Building Control.

In terms of biodiversity and sustainability and compliance with Policies S28 and S38 in the City Plan, the opportunities for improvements are limited in this case given the scheme comprises the conversion of an existing building. The application does though include the provision of a green roof (described as a 'roof garden') over the existing rear wing of the building above second floor level and this improvement in biodiversity terms is welcome. It will also serve to improve the appearance of the rear of the site in views from neighbouring properties. A condition is recommended to secure the provision of the green roof.

#### **8.8 London Plan**

This application raises no strategic issues.

#### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

#### **8.10 Planning Obligations**

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

The estimated Westminster CIL payment based on the GIA floorspace figures provided by the applicant is: £181,800.

#### **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require the provision of an Environmental Impact Assessment. Sustainability and biodiversity issues are addressed in Section 8.7 of this report.

#### **8.12 Other Issues**

None relevant.

### **9. BACKGROUND PAPERS**

1. Application form.

Responses to Consultation on Initially Submitted Scheme (January 2016)

2. Email from Building Control dated 19 January 2016.
3. Memo from Environmental Health dated 29 January 2016.
4. Email from the occupier of 5 Chippenham Mews dated 1 February 2016.
5. Email from the occupier of 21 Chippenham Mews dated 1 February 2016.
6. Email from the occupier of 19 Chippenham Mews dated 1 February 2016.

Responses to Consultation on Revised Scheme (May 2016)

7. Email from Building Control dated 2 June 2016.
8. Memo from Environmental Health dated 17 June 2016.
9. Memo from the Cleansing Manager dated 28 July 2016.
10. Email from the occupier of 21 Chippenham Mews dated 20 May 2016.

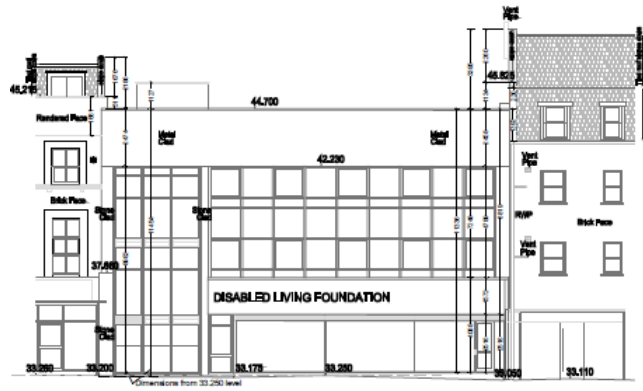
**Selected relevant drawings**

Existing and Proposed Plans, Elevations and Sections.

(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: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

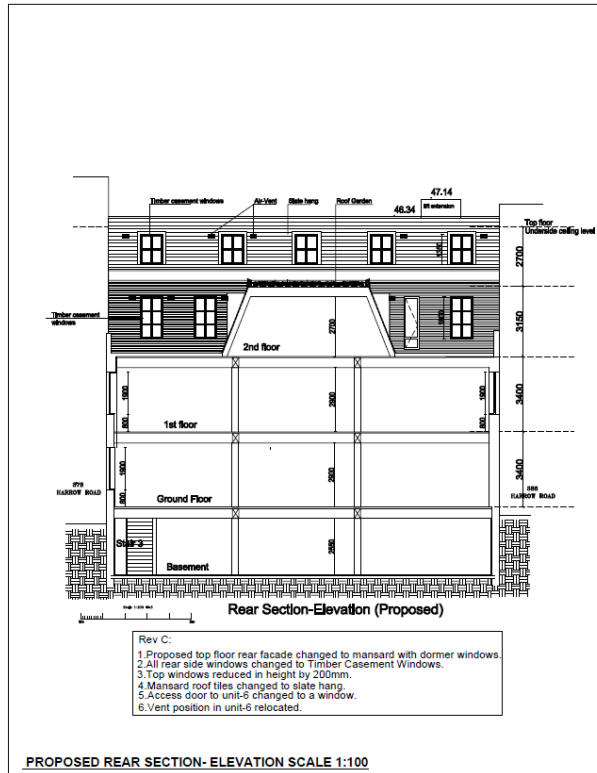
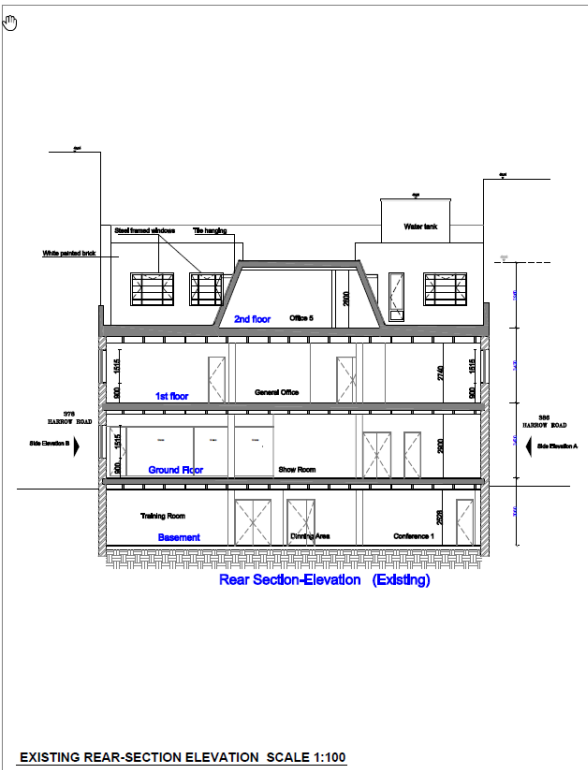
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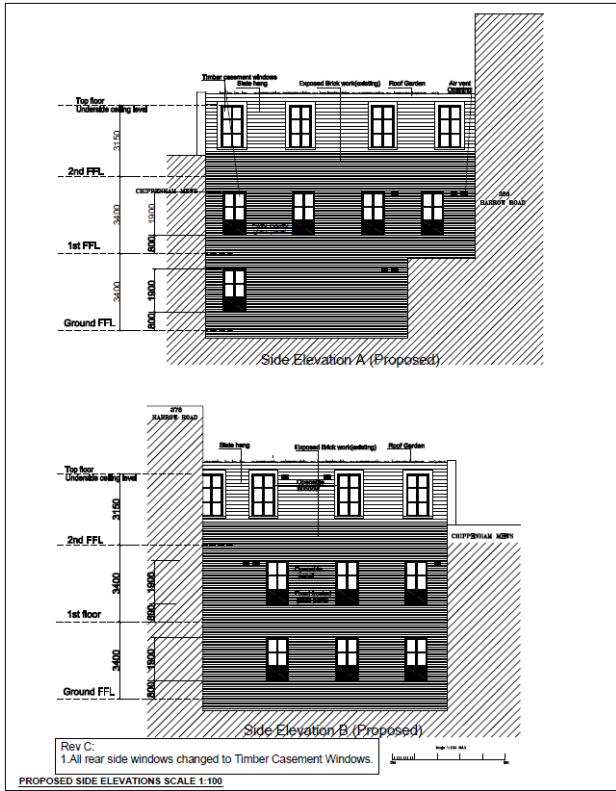
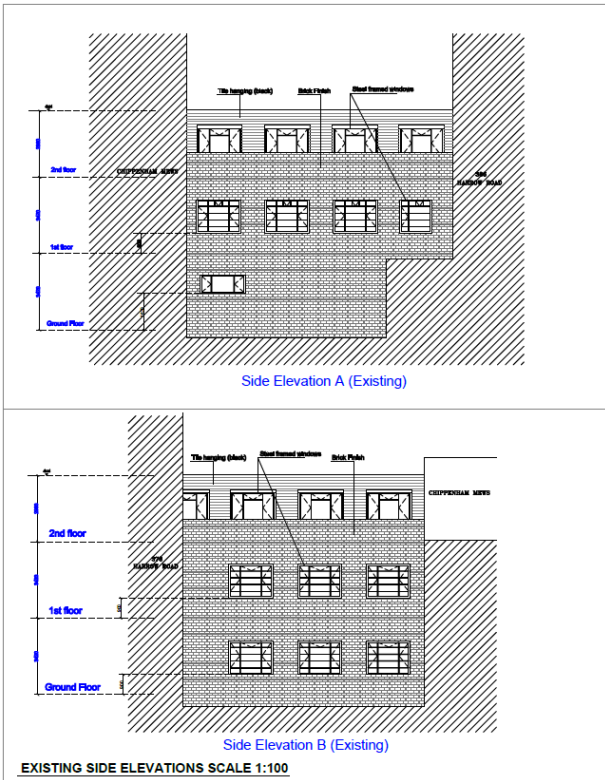


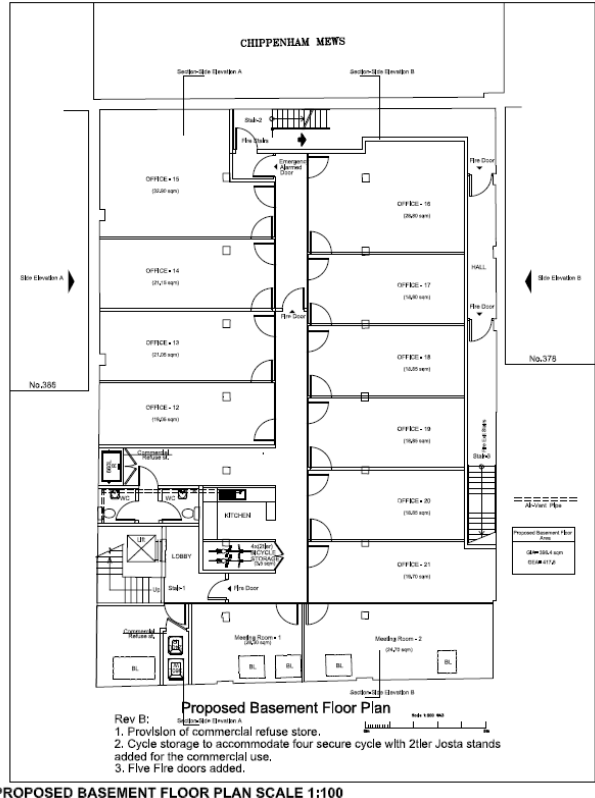
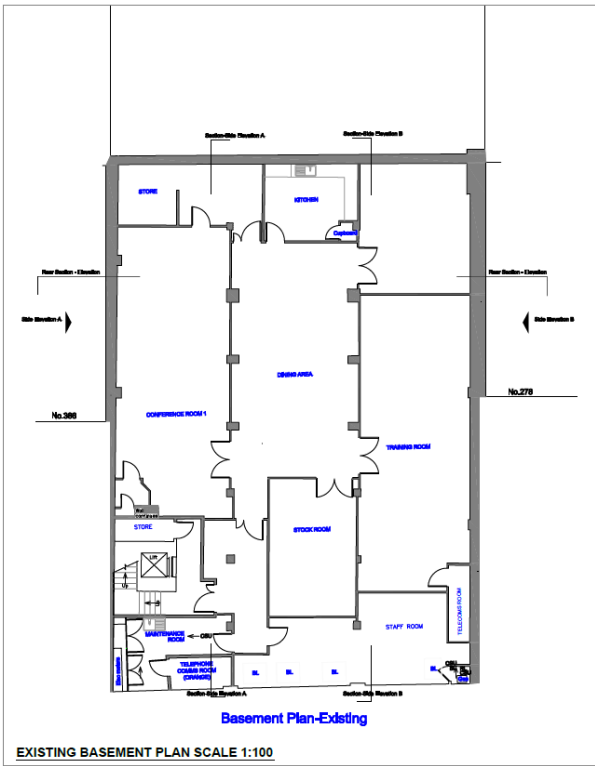
380-384 Harrow Road - Front Elevation

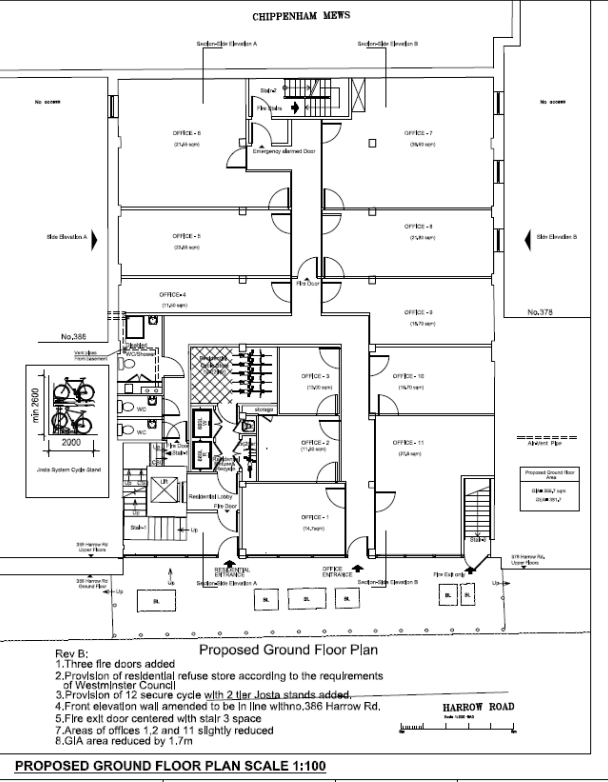
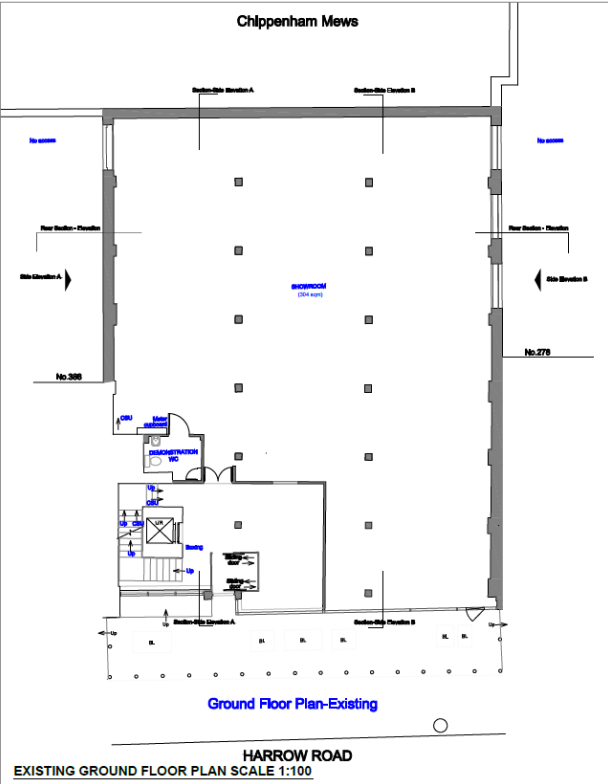
TOPO-Survey Front Elevation



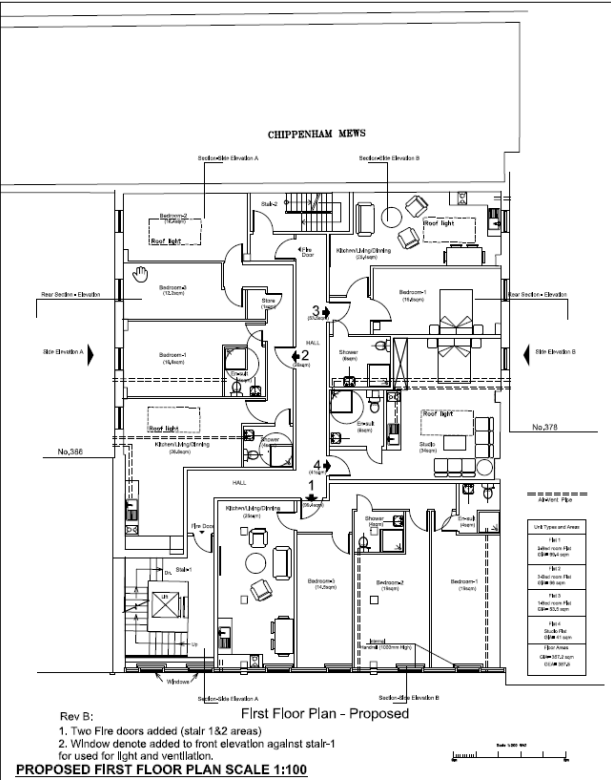
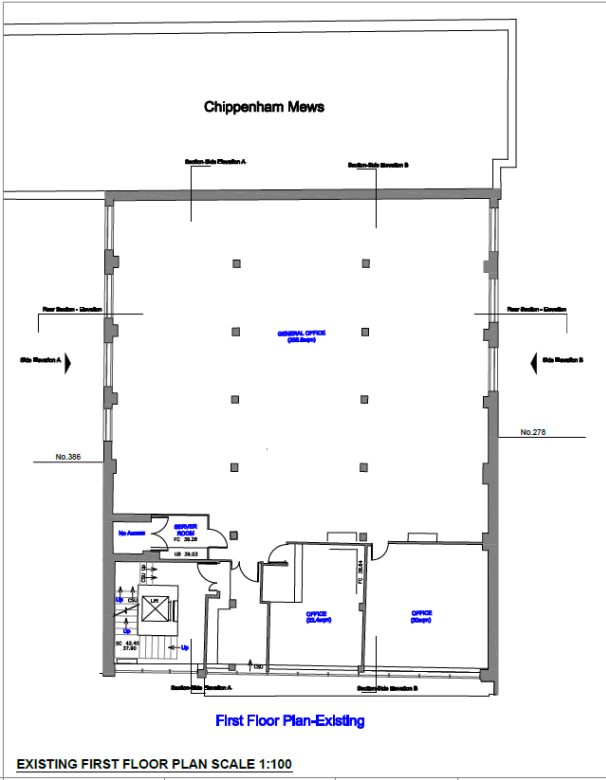


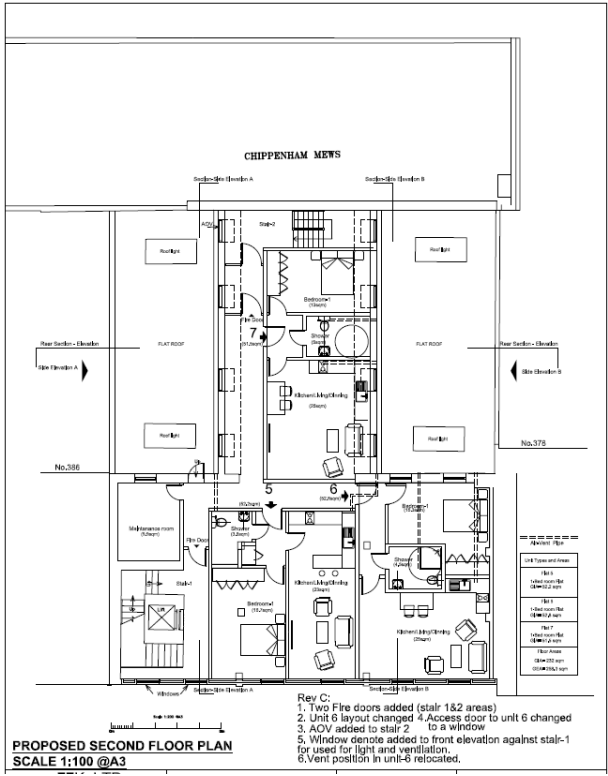
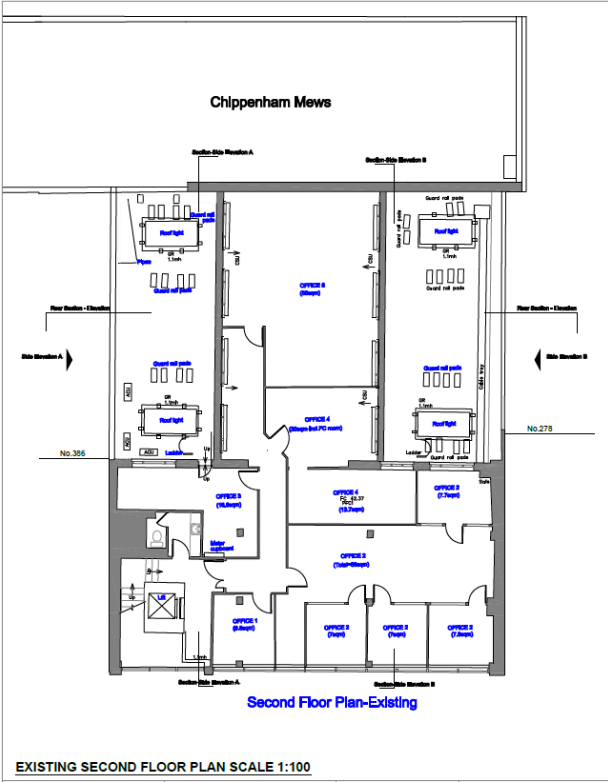


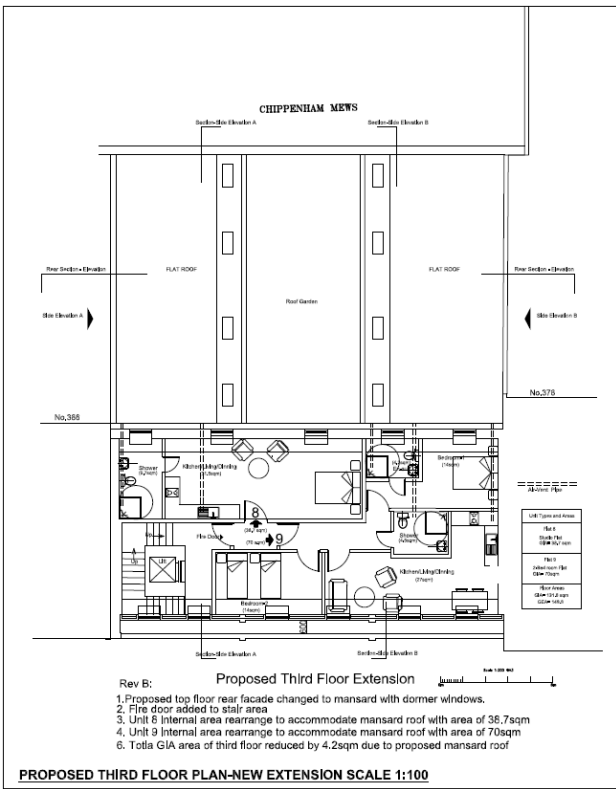












**DRAFT DECISION LETTER**

**Address:** 380-384 Harrow Road, London, W9 2HU,

**Proposal:** Erection of roof extension to provide new third floor, alterations to front and rear elevations, use of lower ground and ground floors as Class B1 offices and use of first, second and new third floors as 9 flats (Class C3).

**Plan Nos:** T2093-01 (site location plan), T209/EX001, T209/EX002, T209/EX003, T209/EX004, T2093/EX031, T2093/EX022, T2093/EX023, T2093/EX024, T2093/EX025, T2093/GA011 Rev.B, T2093/GA012 Rev.B, T2093/GA013 Rev.B, T2093/GA014 Rev.C, T2093/GA015 Rev.B, T2093/GA016 Rev.B, T2093/GA021 Rev.C, T2093/GA022 Rev.C, T2093/GA023 Rev.C, T2093/GA024 Rev.C, T2093/GA025 Rev.C, T2093/GA031 Rev.C, T2093/GA041, Design and Access Statement dated 30/11/15 (as amended by revised drawings listed and email from Peter Higginbottom dated 4 July 2016), Cycle Works 'Josta' manufacturer's specification, Daylight and Sunlight Study dated 12 May 2016.

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development:

- (a) All new windows and doors (elevations and sections at 1:20 or larger).
- (b) Decorative detailing around window openings and to roof level parapet.
- (c) The ground level shop fronts and fascia panels (elevations and sections).
- (d) The north (rear) elevation at second floor level with materials annotated.
- (e) The lift overrun with cladding material annotated.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 The facing brickwork to the front elevation must match the front elevation brickwork at No.386 Harrow Road in terms of its colour, texture, face bond and pointing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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- 7 The mansard roof extension at 3rd floor level hereby approved shall be clad in natural slate and retained in this material to the front and rear roof slopes.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 All new windows, doors and shop fronts hereby approved shall be formed in painted timber and retained in this material and finish.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 You must not use any of the roofs of the building, including the roof of the new 3rd floor extension hereby approved, for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 10 Prior to occupation of the office accommodation at ground floor level and the residential accommodation on the first, second and third floors you must replace all the windows in the rear (north) and side (east and west) elevations of the building in accordance with windows shown on drawings T2093/GA022 Rev.C and T2093/GA025 Rev.C.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 11 The windows panes annotated as 'fixed frosted glass panel' on drawing T2093/GA025 Rev.C shall be fitted with obscure glazing and fixed shut prior to occupation of the whole of the office accommodation at ground floor level and the residential units at first floor level that these windows serve. Thereafter these window panes shall be permanently retained with obscure glazed and fixed shut.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out

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in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 12 The design and structure of the development 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.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 13 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order 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.

- 14 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 15 You must provide each office and residential cycle parking space shown on the approved drawings (as supplemented by the email from Peter Higginbottom dated 4 July 2016 and the Cycle Works 'Josta' manufacturer's specification) prior to occupation of the respective office and residential parts of the development. Thereafter the office and residential cycle spaces must be retained and the spaces used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 16 Before anyone moves into the office and residential parts of the development, you must provide the separate stores for waste and materials for recycling shown on drawing numbers T2093/GA011 Rev.B and T2093/GA012 Rev.B. You must clearly mark them and make them available at all times to everyone using the residential and office parts of the development.

(C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 17 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the 'roof garden' on the roof of the second floor rear wing, 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 prior to occupation of the residential part of the development and thereafter retain and maintain the 'roof garden' in accordance with the approved management plan.

Reason:

To enhance the appearance of the development and enhance the biodiversity of the environment, as set out in S28 and S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

#### **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 Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, 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 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on



construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

\* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

\* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 5 You are advised that Building Control have raised concern regarding fire safety in respect of the proposed internal means of escape and the layout of a number of the flats, particularly those which are open plan. The concerns identified by Building Control are as follows:

- Residential refuse store should not be accessed directly off the common escape stairway.
- Stair 2 should not have direct access to commercial unit on the ground floor and residential units on the upper floors.
- Cross corridor fire doors required to separate escape staircases.
- Lobby protection is required between staircase and common corridor serving residential flats.

- Common corridor serving flats and the staircase require ventilation.
- Flat layout 6 does not comply with Building Regulations.
- Fire strategy is require for the open plan flats.

For further advice on how to address the concerns identified above you may wish to contact our Building Control Team on 020 7641 6500 or at [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).

- 6 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)
- 7 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 phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 9 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 10 The term 'clearly mark' in condition 16 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 11 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 12 You should be aware that the Class B1 office accommodation at ground and basement level hereby approved cannot be converted in future to residential accommodation under the prior approval process by virtue of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 as the Class B1 office accommodation (if used as Class B1(a) offices) was not the lawful use of the ground and basement floors on 29 May 2013.

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| <b>CITY OF WESTMINSTER</b>               |   |  |                 |
| <b>PLANNING APPLICATIONS COMMITTEE</b>   | <b>Date</b><br>9 August 2016  | <b>Classification</b><br>For General Release |                 |
| <b>Report of</b><br>Director of Planning |   | <b>Ward(s) involved</b><br>Westbourne        |                 |
| <b>Subject of Report</b>                 | <b>5-7 Sutherland Avenue, London, W9 2HE,</b>   |  |                 |
| <b>Proposal</b>                          | Use of basement floors of Nos.5-7 Sutherland Avenue and Nos.346-348 Harrow Road as a community centre (Class D2) by the Asian Muslim Cultural Centre. |  |                 |
| <b>Agent</b>                             | Compass Architectural + Consultants   |  |                 |
| <b>On behalf of</b>                      | Mr Ahmed Issa   |  |                 |
| <b>Registered Number</b>                 | 12/07598/FULL   | <b>Date amended/ completed</b>               | 3 December 2012 |
| <b>Date Application Received</b>         | 27 July 2012  |  |                 |
| <b>Historic Building Grade</b>           | Unlisted  |  |                 |
| <b>Conservation Area</b>                 |   |  |                 |

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

The application site comprises the combined basement floors of the buildings at Nos. 5-7 Sutherland Avenue and Nos.346-348 Harrow Road. The application seeks permission for use of the basement floors beneath these buildings as a community centre for use by the Asian Muslim Cultural Centre. The use to which the application relates has already commenced.

The key issues in the determination of this application are:

- The acceptability of the provision of a Class D2 community use in this location in the City.
- The impact of the proposed use on the amenity of neighbouring residents.
- The impact on the operation of the local highway network.

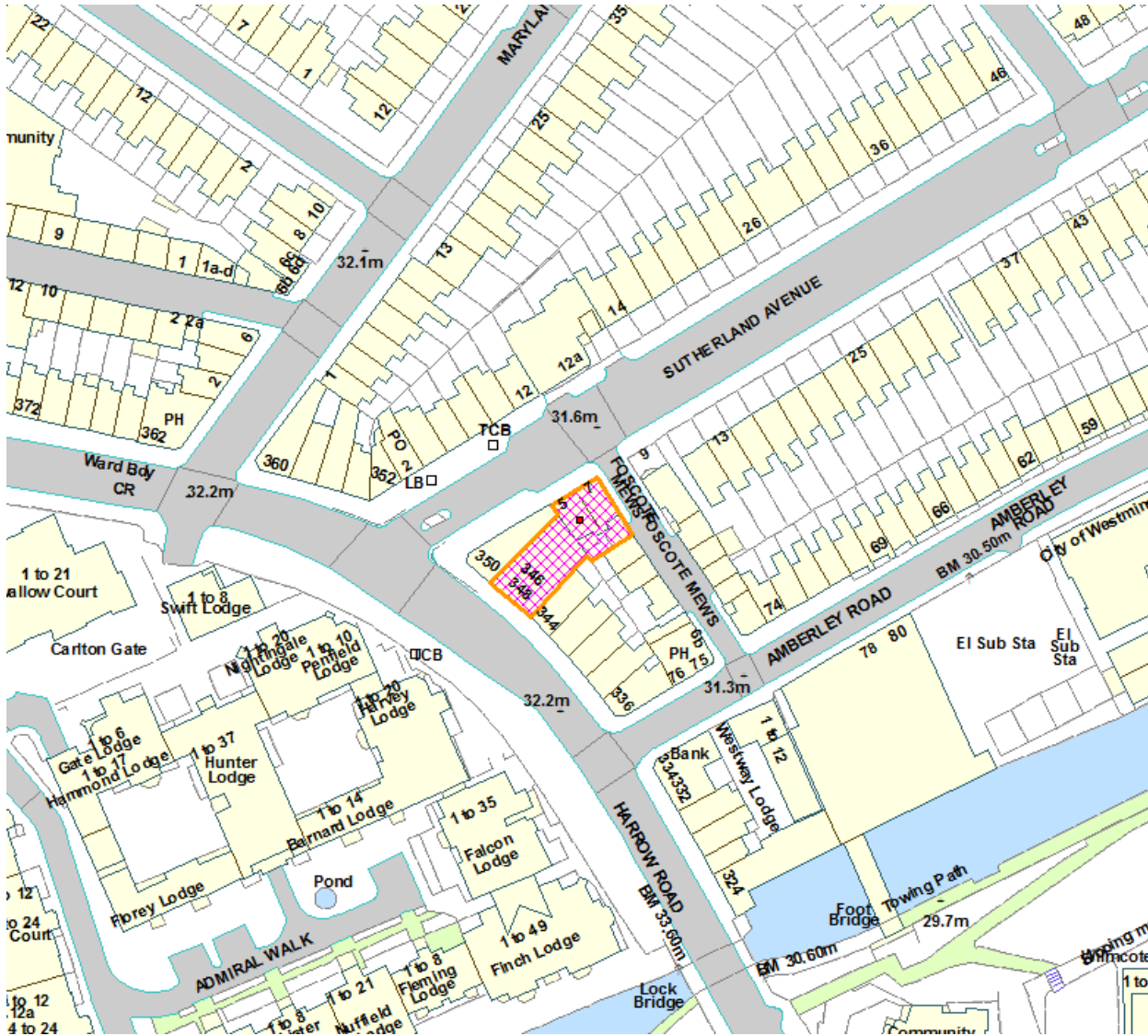
Objections have been received from 28 neighbouring residents, who principally raise objection on a range of amenity and highways impact grounds. The objections raised are summarised in Section 5 of this report.

Subject to the recommended conditions, including a condition to limit the permission to a temporary

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period of one year to allow the impact of the use on the amenity of neighbours and the operation of the public highway to be monitored, the proposed development accords with relevant land use and amenity policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore considered to be acceptable. As such, the application is recommended for conditional approval for a temporary one year period.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Sutherland Avenue elevation (top) and Harrow Road elevation (bottom).





## 5. CONSULTATIONS

### COUNCILLOR HUG

Concerned about transportation impacts of community centre use.

### WARD COUNCILLORS (WESTBOURNE)

Any response to be reported verbally.

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally.

### NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

### CLEANSING MANAGER

No objection, subject to revised drawing showing waste and recycling storage provision being secured by condition.

### DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH

No objection in principle; however, acoustic report should be submitted in relation to the predicted noise levels from internal activities to demonstrate impact of noise break out from the premises and from noise transmission through the structure of the buildings. Notes that there have been two noise complaints in relation to the premises in 2012, but that these were not substantiated.

### LONDON FIRE AND EMERGENCY PLANNING AUTHORITY

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 346.

Total No. of replies: 30.

No. of objections: 28.

No. in support: 2.

26 emails/ letters raising objection on all or some of the following grounds:

#### Amenity:

- Anti-social behaviour; large numbers of people loitering, day and night and into early hours of the morning.
- Litter thrown on the ground; leading to vermin issues.
- Site is not suited to accommodate number of visitors; does not have necessary amenities.
- Noise disturbance from persons outside the premises, including playing of chanting/ music outside premises.
- Noise from late night cooking to rear of premises in Fosco Mews.

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- Not appropriate development in a residential area.
- As a community centre, it does not accommodate the entire community.

Parking and Highways:

- Increased pressure on public transport.
- Loitering on the public highway outside the site obstructing other pedestrians.
- Reduces footfall to local businesses.
- Vehicles often parking in contravention of road markings/ parking regulations.
- Parking on pavements.
- Lack of parking for residents as residents parking used by visitors to premises, particularly between 19.00 and 22.00 hours outside of restricted hours.
- Adverse impact on junction safety as a result of illegal parking.
- Litter dropped on public highway.
- Cycle racks have not been installed.

Other:

- High proportion of attendees are men with few children attending after school.
- Pedestrians feel threatened/ intimidated by large groups of men outside the centre.
- Signage and Access to Harrow Road would be more appropriate.
- Concern that means of escape are not suitable.
- Regular police presence near premises.
- Unclear which access point will be used.
- Unauthorised signage.
- Continued use without permission and history of breaching planning control.
- Question need for another facility such as this when 10 exist locally within 1 mile.
- Muslim community is better served by the purpose built mosque in Acklam Road, 6-8 minutes from the application site.
- Bigger, more suitable venue nearby in Regent's Park.
- Health and safety risk given the number of those who use the basement area and limited access points.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The site comprises the basement floors beneath Nos.5-7 Sutherland Avenue and Nos.346-348 Harrow Road. The buildings in Sutherland Avenue and Harrow Road comprise four storeys, plus basement. None of the buildings comprising the site are listed, nor are they located in a conservation area.

The upper floors of the buildings in Sutherland Avenue and Harrow Road are in residential use, whilst the ground floors are in retail use (a vacant laundrette and computer repair shop at No.5 Sutherland Avenue, a Class A1 mini supermarket at No.7 Sutherland Avenue, a Class A2 bookmakers at No.346 Harrow Road and a Class A1 mini supermarket at No.348 Harrow Road). The lawful use of the basement floors of all the buildings in Sutherland Avenue was formally as ancillary accommodation to the ground floor retail units, whereas the previous use of the basements of the buildings in Harrow Road was as a printers workshop.

The buildings in Sutherland Avenue and in Harrow Road are all located within the Secondary Frontage of the Harrow Road East Local Centre. The site is also located within the North Westminster Economic Development Area.

**6.2 Recent Relevant History**

8 June 2006 – Permission granted for a temporary one year period for use of the basement at Nos.5-7 Sutherland Avenue as a community centre (05/02205/FULL) (copy of this planning permission and relevant drawing is provided in the background papers).

**7. THE PROPOSAL**

Planning permission is sought for the use of the basement floors beneath Nos.5-7 Sutherland Avenue and Nos.346-348 Harrow Road as a community centre operated by the Asian Muslim Cultural Centre. The use of the basement floors for this purpose has already commenced.

Permission was granted June 2006 for the use of the basement below Nos.5-7 Sutherland Avenue only as a community centre for a temporary period of one year. Prior to this permission, it is understood that the basements of Nos.5-7 Sutherland Avenue had been used since 1999 by shop workers in the shop units above as a prayer room ancillary to the ground level retail units. The use of the basement at Nos.5-7 Sutherland Avenue has continued since the 2006 permission expired, and was latterly expanded around 2012 to also encompass the basement floors of Nos.346-348 Harrow Road. The use is therefore currently unauthorised.

The applicant describes the Asian Muslim Cultural Centre as a charitable organisation, which is intended to cater for the education, development and the unmet needs of the Muslim community living in the local community. The community centre provides educational and training facilities, particularly for women and young people along with religious teaching and prayer. The centre operates between the hours of 08.00 and 20.00 hours daily, with peak use between 18.00 and 20.00. The premises can accommodate up to 80 people for prayers, with Friday prayers (held in the early afternoon) attracting approximately 250 visitors; albeit not all persons are on the premises at anyone time. The applicant advises that early morning prayers attract significantly fewer persons with approximately 10 visitors in the summer months and 20 during the winter.

In terms of access to the site, an external stairwell provides access from Sutherland Avenue, whilst on the Harrow Road there is an entrance between the neighbouring shop fronts, which appears to be utilised as the main entrance to the premises. The hours during which the community centre is used varies throughout the year as they are dependent upon when prayer time occurs and this varies throughout the year. The applicant advises that the earliest prayers are at 05:00 hours (during summer time), with the latest starting at 23:00 hours (also during summer time).

The applicant’s design and access statement is provided in the background papers to provide the applicant’s full account of the purpose of the use and how it is operated.

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

### 8.1.1 Loss of Existing Uses at Basement Level

The use of the basements of the buildings comprising the application site has resulted in the loss of the previous lawful uses at basement level within the Secondary Frontage of the Harrow Road East Local Centre. In the case of the buildings in Sutherland Avenue the lawful use of the basements is as ancillary floorspace to the vacant laundrette and computer repair shop at No.5 Sutherland Avenue and Class A1 mini supermarket at No.7. The basement below Nos.346-348 Harrow Road was formally known as No.346A and was previously used as a printers workshop.

Given the location of both frontages of the application site within the Secondary Frontage of the Harrow Road East Local Centre, and as the site is also located within the North Westminster Economic Development Area (NWEDA), the relevant policies in terms of assessing the loss of the previous lawful uses of the basement floorspace are Policy SS7 in the UDP and Policy S12 and S21 in the City Plan.

In terms of the loss of the printers workshop, although Policy S12 seeks to increase economic activity within the NWEDA, it also seeks development that contributes to other priorities within the area. These other priorities include *'Delivering... appropriate local services including... supporting opportunities to provide facilities for local community groups including faith groups'*. As such, whilst the former use of the basement at Nos.346-348 was as a printers workshop which would have contributed towards economic activity within the NWEDA, the community centre provides an alternative use that is equally compliant with the aims of Policy S12 in the City Plan. In terms of the impact on the Local Centre, the printers workshop did not have an active frontage and whilst it had a sign at ground level above its access doorway in Harrow Road, it is evident that it would not have derived a high proportion of its turnover from incidental passing trade. Accordingly, its loss has a negligible impact on the retail character and function of the local centre and it loss would therefore not be contrary to Policy SS7 in the UDP or Policy S21 in the City Plan.

The loss of the ancillary floorspace at basement level below the shop units at Nos5 and 7 Sutherland Avenue has previously been accepted as part of the planning permission granted for the smaller community centre in 2006 (albeit on a temporary one year basis). Whilst the laundrette and computer repair shop at No.5 is vacant, and has been so since at least 2012, it is apparent that it was occupied for a significant period of time after the 2006 permission was granted. Therefore it is evident that the loss of the ancillary floorspace at basement level has not rendered the ground floor units at either Nos.5 or 7 Sutherland Avenue unviable. Accordingly, it is considered that the change of use to a community centre that has occurred has not adversely affected the vitality or viability, or character or function of the parade, frontage or centre; nor has it jeopardised the long term occupation of the ground floor shop unit for retail purposes.

### 8.1.2 Proposed Community Centre Use

Policy SOC1 in the UDP and Policies S12 and S34 in the City Plan are relevant to the provision of new social and community uses, such as the Class D2 community centre proposed. Policy S34 encourages the provision of new social and community uses across the City and Policy S12 promotes community uses within the NWEDA. Policy SOC1 also supports new social and community uses but sets out that they should *'...be required to (1) be located as near as*

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*possible to the residential areas they serve; (2) not harm the amenity of the surrounding area, including the effect of any traffic generated by the proposal; and (3) be safe and easy to reach on foot, by cycle and by public transport'.*

Although it is apparent from representations made by objectors that some users of the community centre travel to it by car and by bus, it is considered that the majority of users of the centre are local to the community centre. As such, it accords with part (1) of Policy SOC1. In terms of (2) and (3) of Policy SOC1, it is considered that the impacts of the use on the amenity of neighbours and the local highway network can be adequately controlled and mitigated by the conditions suggested in Sections 8.3 and 8.4 of this report. Allied to these conditions it is recommended that a precautionary approach is taken and that permission is granted for an initial temporary one year period to allow the City Council to monitor the effectiveness of the recommended conditions and the compliance of the applicant with those conditions. It is also recommended that the permission is granted on a personal basis to the Asian Muslim Cultural Centre to prevent the use of the premises by another community group or Class D2 use that may have a materially greater impact on the amenity of neighbours and the operation of the local highway network.

In summary, subject to the recommended conditions set out in the draft decision letter appended to this report, the proposed community centre use is considered to be acceptable and would accord with the relevant land use policies in the UDP and City Plan.

## **8.2 Townscape and Design**

The current application does not propose any external alterations to the building and relates solely to the use being carried out at basement level.

One objection has been received on the grounds that the signage associated with the community use is not authorised. The signage that has been installed above the entrance to the community centre in Harrow Road does not form part of this application and an informative is recommended to advise that this may require separate advertisement consent.

## **8.3 Residential Amenity**

A number of residents have objected to the application to continue the use on the grounds of anti-social behaviour and noise disturbance as a result of large groups of people congregating outside the premises after they have attended the community centre.

Officers visited the site during Friday prayers to observe the impact of people entering and leaving the site, which is greatest at this time during the week. It was observed that whilst a large number of people did leave the community centre at the same time, the time it took for this crowd to dissipate was relatively short and was largely informed by how long visitors had to wait for a bus. Nevertheless, it is evident from the objections raised by local residents that the community centre does have an impact on the amenity of neighbours, principally as a result of noise disturbance, particularly when this occurs late in the evening or at night. To address these concerns, a number of conditions are recommended, as set out below:

- Requirement to submit and have approved a management plan that requires the applicant to set out measures to demonstrate how people entering and leaving the premises will be managed/ dispersed to prevent noise disturbance to neighbours.

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- Restriction of hours of opening to between 05.00 and 00.00 (midnight) daily to accommodate prayer times, whilst preventing overnight activity at the premises.
- Limit the number of persons permitted on the premises at any one time to no more than 80 persons.
- Restrict access to the premises to the entrance from Harrow Road, which is already a busier thoroughfare day and night than Sutherland Avenue. The Sutherland Avenue and Foscoote Mews entrances to be limited to use in emergency or for disabled access (in the case of the Foscoote Mews entrance).
- Prohibit the playing of amplified music or prayers on the premises.

In terms of noise disturbance, the use is confined to the basement which limits the potential for noise breakout and transference to neighbouring residential properties, as it is separated from residential properties in the same buildings by the retail uses at ground floor level. The potential for structure borne noise disturbance would be further reduced by the condition suggested above that would prevent the playing of amplified music or prayers within the premises. In this context, whilst Environmental Health have requested that an acoustic report is submitted to demonstrate the predicted noise levels from the internal activities within the community centre, it is not considered that this is necessary in this case; indeed the concerns expressed by neighbours on noise grounds are related to the noise generated outside the community centre largely by persons entering or leaving the premises.

In conclusion in amenity terms, subject to the suite of conditions set out above, it is considered that community centre use would be capable of complying with Policies ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

#### **8.4 Transportation/Parking**

The applicant suggests that approximately 70% of those who use the centre arrive on foot with 20% arriving on public transport and 10% arriving by car. These figures are likely to be broadly accurate, but as noted by neighbouring residents, even at 10% of the total number of visitors, the number of vehicle trips and the demand for parking that this would generate at peak times (for example during Friday prayers or during Ramadan) would not be insignificant, particularly given the busy nature of Harrow Road and the underlying high demand for residents parking.

In terms of the impact of the use in respect of parking demand, it is considered that this is adequately controlled during daytime hours by existing on-street parking restrictions, which can be enforced. The impact on residents parking after controls end in the early evening is more difficult to control. A condition is recommended requiring a travel plan that seeks to reduce parking demand. It is also recommended that the management plan condition includes a specific requirement to tackle the problem of illegal parking, such as is alleged to occur on the central hatching in Sutherland Avenue.

The other predominant concern raised by neighbours in highways terms is the impact visitors to the community centre have on the footpath of the public highway when congregating after leaving the centre. The principal highway issue with this is the obstruction it causes to other pedestrians using the footpath of the public highway. It is recommended that the introduction of measures to ensure swift dispersal of visitors after they leave the community centre is another requirement of the management plan condition. As mentioned in the amenity section of this report, it is also recommended that a condition is imposed restricting access and egress to the

entrance in Harrow Road which is closer to local bus stops and is already a busier environment.

Subject to the conditions recommended in this section of the report and the comments of the Highways Planning Manager, which will be reported verbally to the committee, it is considered that the impacts on the public highway that are currently occurring during its unauthorised operation can be adequately addressed and therefore for a temporary one year period the use would be accord with Policy TRANS3 and TRANS22 in the UDP and S41 in the City Plan.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

In response a condition imposed on the permission granted in 2005, disabled access is provided in the form of a platform lift accessed via a rear entrance in Foscoate Mews. A condition is recommended limiting access to the community centre via this entrance to use for disabled access only and in the event of an emergency to prevent noise disturbance to neighbouring residents.

#### **8.7 Other UDP/ City Plan/ Westminster Policy Considerations**

The Cleansing Manager recommends that details of waste and recycling storage are secured by condition and such a condition is imposed on the draft decision letter.

#### **8.8 London Plan**

This application raises no strategic issues.

#### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

#### **8.10 Planning Obligations**

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

#### **8.11 Environmental Impact Assessment**

Environmental Impact issues are not relevant in the determination of this application.

### **9. BACKGROUND PAPERS**

1. Application form.
2. Copy of planning permission dated 8 June 2006 and relevant drawing.
3. Copy of applicant's Design and Access Statement.
4. Email from Councillor Hug dated 29 July 2016.

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5. Memo from the Cleansing Manager dated 14 January 2013.
6. Memos from Environmental Health dated 7 February 2013 and 25 July 2016.
7. Letter from the occupier of Flat 4, 33 Sutherland Avenue dated 18 January 2013.
8. Emails from the occupier of 28a Sutherland Avenue dated 11 January 2013 (x2) and 21 July 2016.
9. Emails from the occupier of 26 Sutherland Avenue dated 12 January 2013 (x2).
10. Email from the occupier of 340 Harrow Road dated 18 January 2013.
11. Letter from the occupier of Flat 3, 33 Sutherland Avenue dated 18 January 2013.
12. Letters from the occupier of 33 Sutherland Avenue dated 18 January 2013 and one undated.
13. Email from an occupier of 19 Sutherland Avenue dated 8 July 2016.
14. Email from the occupier of 71D Sutherland Avenue dated 8 July 2016.
15. Email from an occupier of 19 Sutherland Avenue dated 8 July 2016.
16. Email from an occupier of an unspecified property in Sutherland Avenue dated 9 July 2016.
17. Email from the occupier of 37b Sutherland Avenue dated 9 July 2016.
18. Email from the occupier of 17 Aldsworth Close dated 10 July 2016.
19. Email from the occupier of 32 Delaware Mansions, Delaware Road dated 10 July 2016.
20. Email from the occupier of 11a Edbrooke Road dated 10 July 2016.
21. Email from an occupier of 27 Sutherland Avenue dated 10 July 2016.
22. Email from the occupier of 35E Sutherland Avenue dated 10 July 2016.
23. Email from the occupier of 159 Delaware Mansions, Delaware Road dated 10 July 2016.
24. Email from the occupier of 17 Clifton Hill dated 10 July 2016.
25. Email from occupier of 19 Sutherland avenue dated 11 July 2016.
26. Email from the occupier of Flat 6, 29 Sutherland Avenue dated 11 July 2016.
27. Email from the occupier of 19 Sutherland Avenue dated 12 July 2016.
28. Email from the occupier of 18 Sutherland Avenue dated 14 July 2016.
29. Email from an occupier of 27 Sutherland Avenue dated 20 July 2016.
30. Email from an occupier of 28 Sutherland Avenue dated 20 July 2016.
31. Email from the occupier of 77 Sutherland Avenue dated 21 July 2016.
32. Email from an occupier of 28 Sutherland Avenue dated 21 July 2016.
33. Email from the occupier of 10 Barnard Lodge, Admiral Walk dated 27 July 2016.
34. Email from the occupier of 354 Harrow Road dated 21 July 2016.

**Selected relevant drawings**

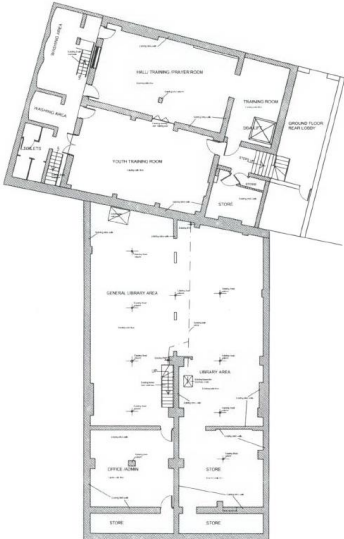
Existing and Proposed Floorplans.

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

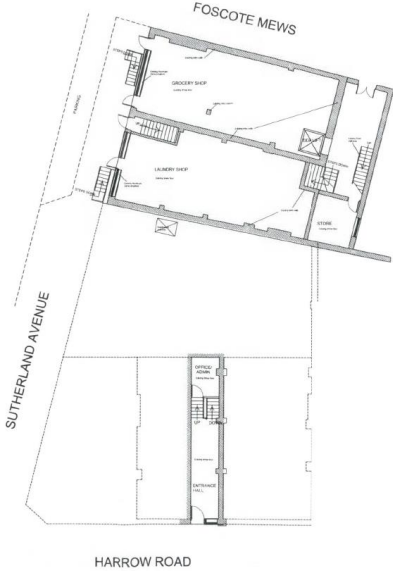
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| IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT <a href="mailto:ogibson@westminster.gov.uk">ogibson@westminster.gov.uk</a> . |
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# 10. KEY DRAWINGS



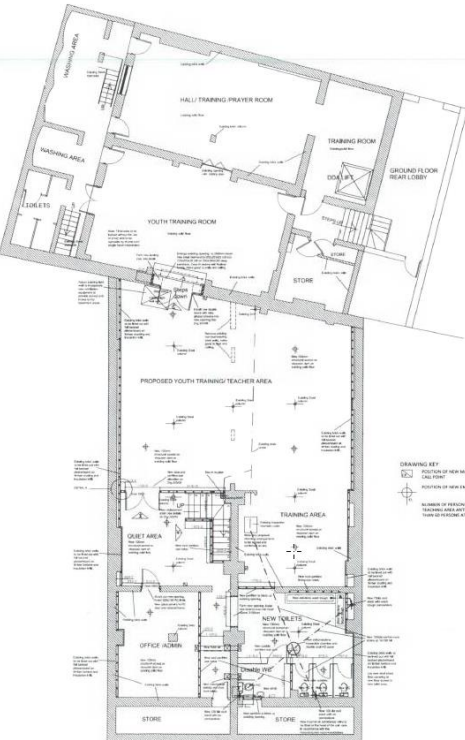
**EXISTING BASEMENT FLOOR PLAN**



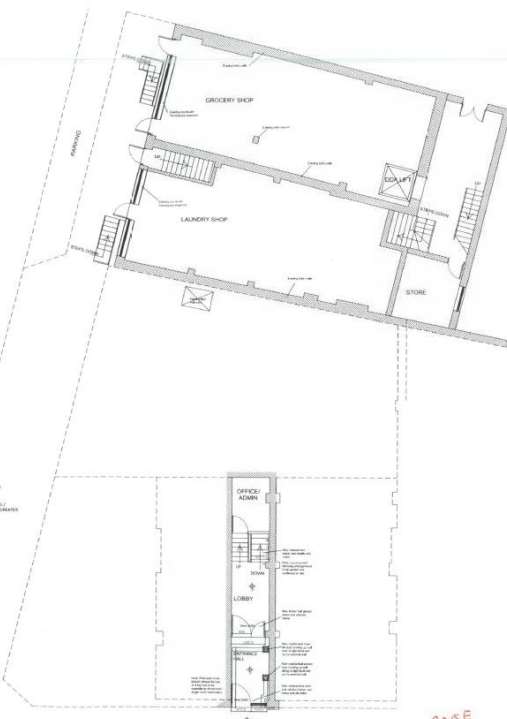
**EXISTING GROUND FLOOR PLAN**



**EXISTING FRONT ELEVATION**



**PROPOSED 346/8 BASEMENT FLOOR PLAN**



**PROPOSED GROUND FLOOR PLAN**

**GENERAL NOTES**

1. CONSULT WITH THE LOCAL AUTHORITY AND THE FIRE SERVICE TO DETERMINE THE REQUIREMENTS FOR THE PROPOSED CHANGES TO THE BUILDING. THE NOTES SHOULD BE REVISITED AS THE DESIGN DEVELOPES.

2. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO COMPLY WITH THE BUILDING REGULATIONS AND THE FIRE SAFETY REGULATIONS.

3. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO MAINTAIN THE BUILDING'S CHARACTER AND APPEARANCE.

4. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE ACCESSIBLE TO ALL USERS.

5. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE DURABLE AND EASY TO MAINTAIN.

6. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE ENERGY EFFICIENT.

7. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE SUSTAINABLE.

8. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE SECURE.

9. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE SOUNDPROOFED.

10. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE VIBRATION FREE.

11. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE LIGHTNING PROTECTED.

12. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM POLLUTION.

13. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM CLIMATE CHANGE.

14. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM TERRORISM.

15. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM CYBER ATTACKS.

16. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM DATA BREACHS.

17. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM SOCIAL ENGINEERING.

18. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM PHISHING.

19. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM MALWARE.

20. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM RANSOMWARE.

21. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM SPYWARE.

22. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM KEYLOGGERS.

23. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM KEYSTROKE MONITORING.

24. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM NETWORK MONITORING.

25. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM IP ADDRESS TRACKING.

26. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM DNS SPOOFING.

27. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM MAN IN THE MIDDLE ATTACKS.

28. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM MITM ATTACKS.

29. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM SNIFFING.

30. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM PACKET CAPTURE.

31. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM NETWORK ANALYSIS.

32. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM NETWORK MAPPING.

33. THE PROPOSED CHANGES TO THE BUILDING SHOULD BE DESIGNED TO BE PROTECTED FROM NETWORK DISCOVERY.

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| <b>CCM PASS</b>   |  |
| ARCHITECTURAL CONSULTANTS   |  |
| DASHFIELD BUSINESS CENTRE<br>SUITE 301<br>APPLEBY STREET<br>BLACKBURN<br>LANCASHIRE<br>BB1 3BE<br>TEL: 01254 493922 |  |
| CLIENT:   | ASIAN MUSLIM CULTURAL CENTRE<br>5-7 SUTHERLAND AVENUE (BASEMENT), MANDA VALE,<br>LONDON W9 2HE   |
| PROJECT TITLE:  | ALTERATIONS TO EXISTING<br>MUSLIM CULTURAL CENTRE<br>IN BASEMENT OF 346/8 HARROW ROAD WITH<br>5/7 SUTHERLAND AVE, MANDA VALE,<br>LONDON W9 |
| DRAWING TITLE:  | EXISTING PLANS AND ELEVATION   |
| DRAWING STATUS:   |  |

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| <b>CCM PASS</b>   |  |
| ARCHITECTURAL CONSULTANTS   |  |
| DASHFIELD BUSINESS CENTRE<br>SUITE 301<br>APPLEBY STREET<br>BLACKBURN<br>LANCASHIRE<br>BB1 3BE<br>TEL: 01254 493922 |  |
| CLIENT:   | ASIAN MUSLIM CULTURAL CENTRE<br>5-7 SUTHERLAND AVENUE (BASEMENT), MANDA VALE,<br>LONDON W9 2HE |
| PROJECT TITLE:  | ALTERATIONS TO EXISTING<br>MUSLIM CULTURAL CENTRE<br>IN BASEMENT OF 346/8 HARROW ROAD          |
| DRAWING TITLE:  | PROPOSED PLANS   |
| DRAWING STATUS:   |  |
| DRAWING DATE:   | 20th FEB 2023  |
| SCALE:  | 1:50   |
| PROJECT NO:   | 04   |
| PROJECT MANAGER:  | 04   |
| PROJECT NO:   | 04   |

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| <b>3</b> |

**DRAFT DECISION LETTER**

**Address:** 5-7 Sutherland Avenue, London, W9 2HE,

**Proposal:** Use of basement floors of Nos.5-7 Sutherland Avenue and Nos.346-348 Harrow Road as a community centre (Class D2) by the Asian Muslim Cultural Centre.

**Plan Nos:** 01A, 03, 04B and Design and Access Statement by Compass Architectural and Consultants.

**Case Officer:** Victoria Coelho **Direct Tel. No.** 020 7641 6204

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

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

2 Only the Asian Muslim Cultural Centre can carry out the community centre use. No one else may benefit from this permission.

Reason:  
Because of the special circumstances of this case we need to control future use of the premises if the Asian Muslim Cultural Centre leaves. This is as set out in SOC1 of our Unitary Development Plan that we adopted in January 2007. (R06AB)

3 The community centre use allowed by this permission can continue until 31 August 2017. After that the land must return to its previous condition and use. (C03AA)

Reason:  
So that we can assess the effect of the use and make sure it meets SOC1, TRANS2, TRANS22 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S34, S29, S32 and S34 of Westminster's City Plan that we adopted in July 2016. (R03CB)

4 You must not allow more than 80 people into the basement community centre at any one time. (C05HA)

Reason:  
To protect the environment of the neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

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- 5 No amplified music or prayers shall be played on the premises.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S29, S32 and S34 of Westminster's City Plan (July 2016) and ENV 6 and SOC1 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 6 The basement community centre use hereby approved shall only be accessed via the entrance on Harrow Road. The entrance in Sutherland Avenue shall only be used as a means of emergency escape in the event of emergency. The access on Foscoate Mews shall only be used as a means for disabled access or as a means of escape in the event of emergency.

Reason:

To protect the noise environment of the neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 7 Within 2 months of the date of this permission, you must apply to us for approval of an Community Centre Management Plan that includes details of how you manage the following aspects of the community centre use:

- (a) How visitors entering and leaving the community centre will be controlled so that they do not cause noise disturbance to neighbouring residents or obstruct the public highway.
- (b) Measures to be put in place to encourage visitors to park vehicles in accordance with local parking restrictions.
- (c) Measures to minimise noise breakout from the community centre when it is in use.

You must then operate the community centre use in accordance with the Community Centre Management Plan that we approve, unless or until we approve an alternative Community Centre Management Plan.

Reason:

To make sure that the use will not cause a noise nuisance for people in the area and to prevent obstruction of the public highway outside the the premises. This is as set out in S29, S32 and S41 of Westminster's City Plan (July 2016) and ENV 6, TRANS 3 and TRANS22 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 8 Users and visitors of the community centre shall not be permitted within the premises before 05:00 or after 00:00 hours (midnight) each day. (C12AD)

Reason:

To protect neighbouring residents from late night noise nuisance, as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 9 Within 2 months of the date of this decision letter you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored

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separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the community centre within one month of the date on which we approve the details that you submit pursuant to this condition. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

10 Within 2 months of the date of this decision letter, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the community centre;
- (b) Targets set in the Plan to reduce car journeys to the community centre;
- (c) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over the year long period of this permission.

You must then carry out the community centre use in accordance with the Travel Plan that we approve.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

#### **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 Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, 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 You are advised that the advertisement above the entrance to the community centre in Harrow Road may require the benefit of separate advertisement consent.
- 3 In respect of the Travel Plan required by Condition 10, at the end of this temporary one year permission you should review the effectiveness of the Travel Plan and set out in a report any

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changes you would make to the Plan to overcome any identified problems. This report and an amended Travel Plan should be submitted along with any future planning application you may make to continue the use of the basement area as a community centre beyond the expiry of this temporary permission.

- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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# Agenda Item 4

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| <b>CITY OF WESTMINSTER</b>               |   |  |             |
| <b>PLANNING APPLICATIONS COMMITTEE</b>   | <b>Date</b><br>9 August 2016  | <b>Classification</b><br>For General Release |             |
| <b>Report of</b><br>Director of Planning |   | <b>Ward(s) involved</b><br>St James's        |             |
| <b>Subject of Report</b>                 | <b>The Vine House, 54 Romney Street, London, SW1P 3RE,</b>  |  |             |
| <b>Proposal</b>                          | Erection of mansard roof to Nos. 52, 54 and 56. Erection of rear extension to No. 52 at first and second floor levels; rear extension to No. 54 at first and second floor levels; and rear extension to No. 56 at ground, first, and second floor levels in connection with the conversion to three separate townhouses. Associated external alterations including new window and door opening to front façade, terraces at rear first floor level and balconies at rear first and second floor levels. |  |             |
| <b>Agent</b>                             | Brimelow McSweeney Architects   |  |             |
| <b>On behalf of</b>                      | Mr Eugene Dolbilin  |  |             |
| <b>Registered Number</b>                 | 15/11341/FULL   | <b>Date amended/ completed</b>               | 11 May 2016 |
| <b>Date Application Received</b>         | 4 December 2015   |  |             |
| <b>Historic Building Grade</b>           | Unlisted  |  |             |
| <b>Conservation Area</b>                 | Smith Square  |  |             |

## 1. RECOMMENDATION

|                               |
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| Grant conditional permission. |
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## 2. SUMMARY

The Vine House, 52-56 Romney Street comprises of three townhouses which have been laterally converted to provide one single family dwellinghouse. The building is not listed but is identified as an unlisted building of merit within the Smith Square Conservation Area.

Planning permission was granted on 29 July 2009 (RN: 09/01397/FULL) for the erection of a mansard roof extension and the construction of a terrace to an existing flat roof. This permission was not implemented.

Permission is sought for the erection of a mansard roof, rear extension to No. 52 at first and second floor levels, rear extension to No. 54 at first and second floor levels, and a rear extension to No. 56 at ground, first, and second floor levels, in connection with the conversion of the property to three separate townhouses.

The conversion of this large single family dwelling house into three separate family-sized townhouses acceptable in land use terms.

Objections have been received on design grounds raising concerns that the proposals are out of keeping with the building and area.

In design and townscape terms, the application building is significantly lower than the two adjacent properties (No.50 Romney Street and the building known as 32 Smith Square/ 65-69 Tufton Street). From the front street elevation, No 50 Romney Street sits one storey higher and the Smith Square/ Tufton Street property sits one storey higher immediately adjacent the property stepping back and rising a further three storeys higher. To the rear of the site, as viewed from a gap within Smith Square, the Smith Square/ Tufton Street property sits three storeys higher and extends further beyond the rear wall of the application site. The Smith Square conservation area audit does not identify the application site as being unacceptable for a roof extension. The existing property is considered to be a well-designed completed building, with a strong parapet and finishing details. In design terms the proposed mansard roof is considered to sit comfortably with the existing features of the building and is considered acceptable.

The proposed rear extensions to no.52 at first and second floor levels, the rear extension to no.54 at first and second floor levels, and a rear extension to no.56 at ground, first and second floor levels are similarly considered acceptable in principle in design terms. The detailed design of the rear elevation is however considered unacceptable. A condition is therefore recommended requiring amendments to the detailed design of doors and windows to first and second floor levels on the rear elevation. Conditions requiring details of new windows and a sample panel of the brickwork are also recommended.

Objections have also been received on amenity grounds raising concerns that the proposals will lead to a loss of light, loss of view and impact on privacy for neighbouring properties. One objection is raised by the occupiers of no.47 Romney Street opposite the site and another from the occupier of Flat 14, 67 Tufton Street.

No.47 Romney Street is located directly opposite the site on the south side of Romney Street. In terms of the proposals impact on levels of light and privacy, given the street width distance between the two properties and the height of the immediately adjacent property to no.56, being one storey higher and stepping back to rise a further three storeys higher, it is not considered that objections on these grounds can be sustained. The relationship between the proposed mansard and the objector's property is not uncommon within Westminster. Whilst it is acknowledged that there may be a loss of view towards the Houses of Parliament from the upper floors of no.47, this is not a material planning ground on which permission can be refused.

With regard to the objection from the occupier of Flat 14, 67 Tufton Street, this flat and terrace is located at a higher level directly adjacent to the application site, given that the proposed mansard roof extension would raise the height of the application property to bring it in line with the height of the objector's block, at its lowest point, it is not considered that an objection on these grounds can be sustained.

Each townhouse would have access to outdoor amenity space. A portion of the existing garden to the rear of no.56 is being retained and terraces and balconies are provided at rear first and second floor levels. The existing building already has access to a large rear first floor terrace. The rear outlook of the

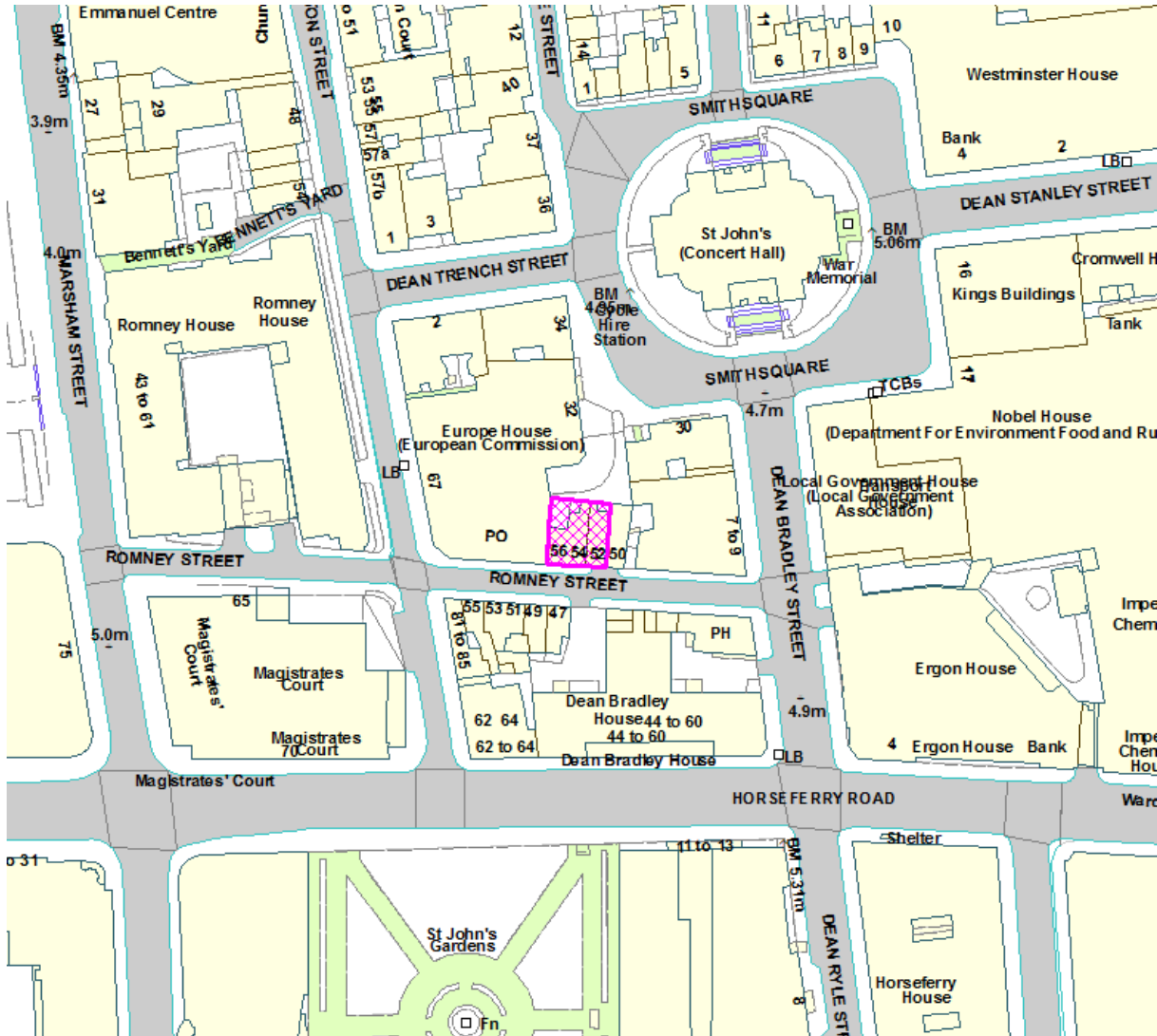


site is over a double-width access ramp to the basement car park of 67 Tufton Street and towards offices at No. 32 Smith Square/ 65-69 Tufton Street. The proposals are not considered to result in any significant overlooking of adjacent properties given the terraces location and distance from neighbouring residential properties.

Objections have also been raised on transportation grounds raising concerns that the creation of two additional residential units will lead to an increase in car parking pressure in the area. The Highways Planning Manager comments that the area remains below the stress level and as such raises no objection. The London Plan requires 2 cycle parking spaces per residential dwelling, which can be secured by condition. Details of waste storage arrangements are also secured by condition.

The proposal is considered to comply with the Council's policies in relation to design, conservation, amenity and transport as set out in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Views of the application site, Romney Street elevation



Views of the application site, looking down Romney Street



Views of the application site from south-west corner of Smith Square



**View towards application site from objector property at No. 47 Romney Street, with third floor terrace at No. 67 Tufton Street visible on the left hand side.**

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

No objection – overall package worthy of support and recommends that it is approved.

### THORNEY ISLAND SOCIETY

No objection – sensitive renovation of pleasant buildings.

### HIGHWAYS PLANNING

Acceptable on transportation grounds subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 20

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Three objections received from neighbouring properties raising objection on the grounds of loss of light, loss of view, privacy, the proposals being out of keeping with the building and area and increase in car parking pressure.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND PAPERS

1. Application form
2. Response from Thorney Island Society, dated 6 January 2016
3. Response from Westminster Society, dated 12 January 2016
4. Response from Highways Planning, dated 4 February 2016
5. Letter from occupier of 47 Romney Street, dated 12 February 2016
6. Letter from occupier of Flat 14, 67 Tufton Street, dated 12 May 2016
7. Letter from occupier of Flat 4, 67 Tufton Street, dated 14 May 2016

### Selected relevant drawings

(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: DAVID DORWARD BY EMAIL AT [ddorward@westminster.gov.uk](mailto:ddorward@westminster.gov.uk).

7. KEY DRAWINGS



FO  
BRIMELOW  
McSWEENEY  
ARCHITECTS  
25 Southdown Street, London SW1  
020 7591 7801 • 020 7591 1010  
52-56 Romney S  
London, SW1  
North Elevation  
As Existing  
11103@A3

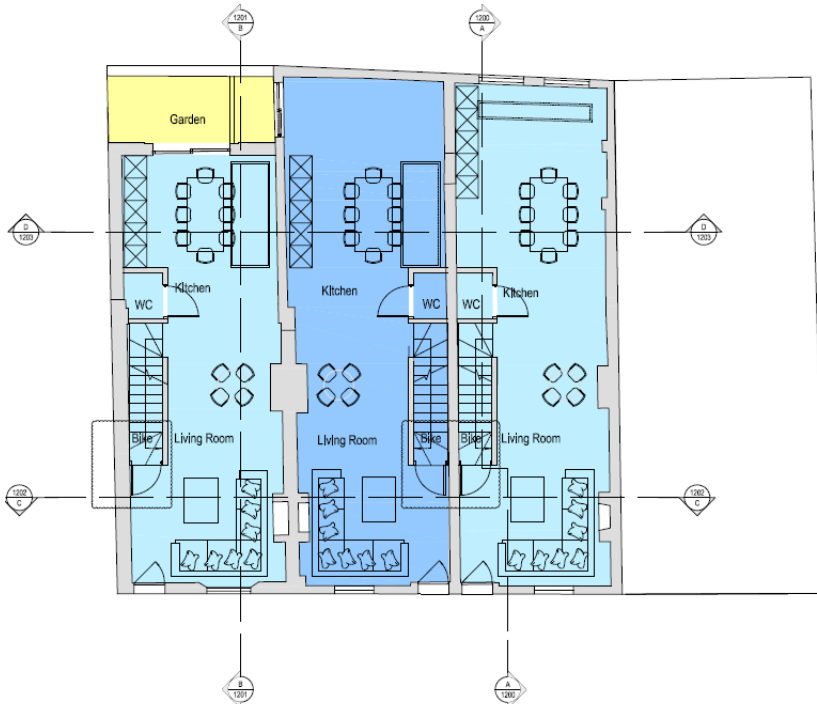
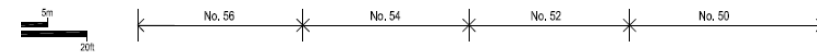
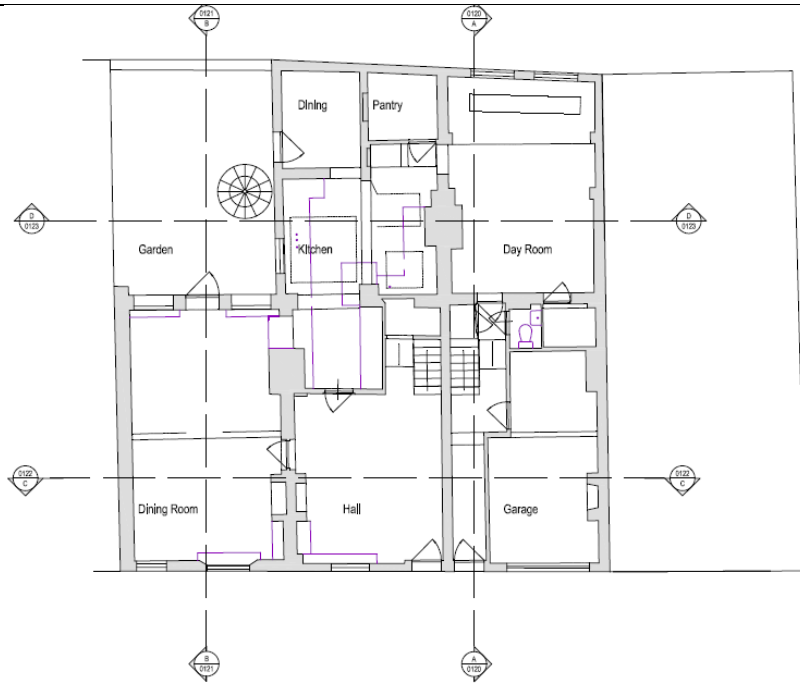
FO  
BRIMELOW  
McSWEENEY  
ARCHITECTS  
25 Southdown Street, London SW1  
020 7591 7801 • 020 7591 1010  
52-56 Romney S  
London, SW1  
South Elevation  
As Existing  
11103@A3

Existing front and rear elevations





Proposed front and rear elevations



**Existing and proposed ground floor plans**

10/11/19 10/11/19 10/11/19  
 12/11/19 12/11/19 12/11/19  
 13/11/19 13/11/19 13/11/19  
 14/11/19 14/11/19 14/11/19

FOR F  
**BRIMELOW**  
**McSWEENEY**  
**ARCHITECTS**  
 28 Stone Lane Street, Covent Garden, London WC2E 3JH  
 020 7593 1000

1445 52-56 Romney Street  
 London, SW1

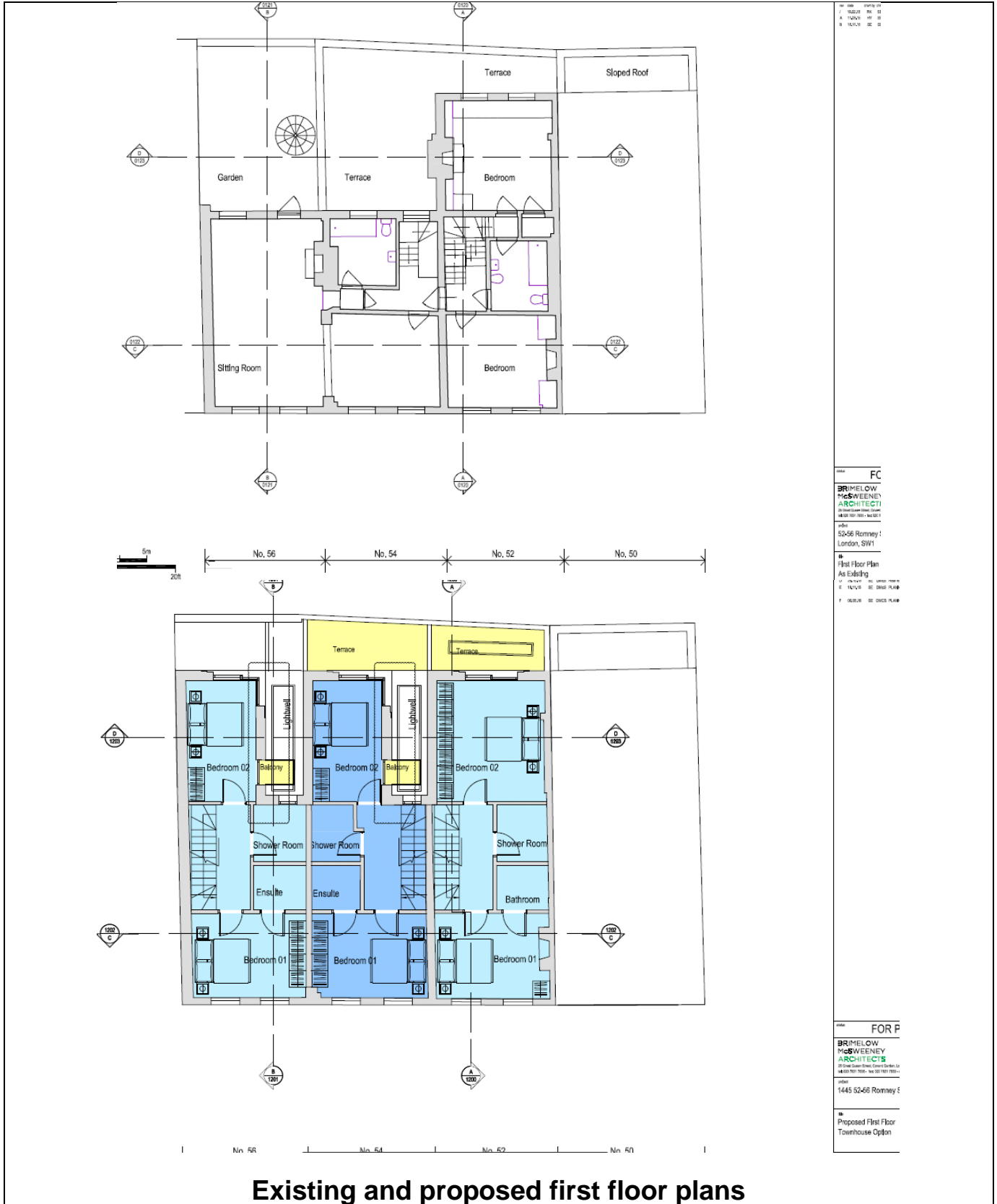
Ground Floor Plan  
 As Existing

10/11/19 10/11/19 10/11/19  
 12/11/19 12/11/19 12/11/19  
 13/11/19 13/11/19 13/11/19  
 14/11/19 14/11/19 14/11/19

FOR PLAN  
**BRIMELOW**  
**McSWEENEY**  
**ARCHITECTS**  
 28 Stone Lane Street, Covent Garden, London WC2E 3JH  
 020 7593 1000

1445 52-56 Romney Street

Proposed Ground Floor  
 Townhouse Option



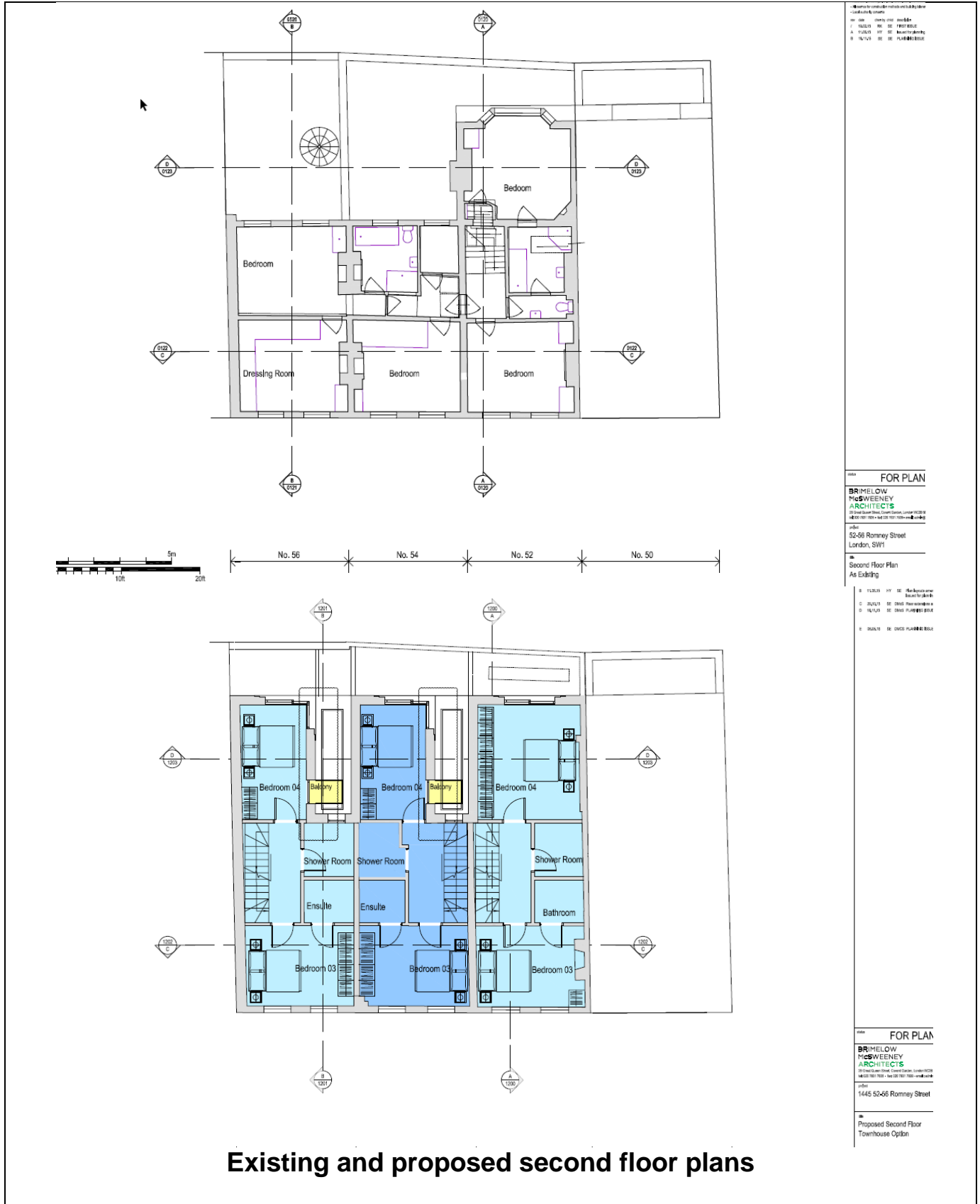
FC  
**BRIMELOW McSWEENEY ARCHITECTS**  
 25 Southcombe Road, London SW11 1AB  
 020 7473 1000  
 52-66 Romney Lane, London SW11

First Floor Plan  
 As Existing  
 14/1/15 SEE DRWG PLAN  
 15/02/15 SEE DRWG PLAN

FOR P  
**BRIMELOW McSWEENEY ARCHITECTS**  
 25 Southcombe Road, London SW11 1AB  
 020 7473 1000  
 1445 52-66 Romney Lane

Proposed First Floor  
 Townhouse Option

Existing and proposed first floor plans



BRIMMELOW  
McSWEENEY  
ARCHITECTS  
20 South Street, South London, London SE16 2RN  
Tel: 020 7591 7888 Fax: 020 7591 7889  
www.brimmellow.com

FOR PLAN

BRIMMELOW  
McSWEENEY  
ARCHITECTS  
20 South Street, South London, London SE16 2RN  
Tel: 020 7591 7888 Fax: 020 7591 7889  
www.brimmellow.com

Project:  
52-56 Romney Street  
London, SW1

Second Floor Plan  
As Existing

- B 15/2/15 HY SE Rev: Approved
- C 20/2/15 SE SHS Rev: Approved
- D 16/1/16 SE SHS Rev: Approved
- E 20/2/15 SE SHS Rev: Approved

FOR PLAN

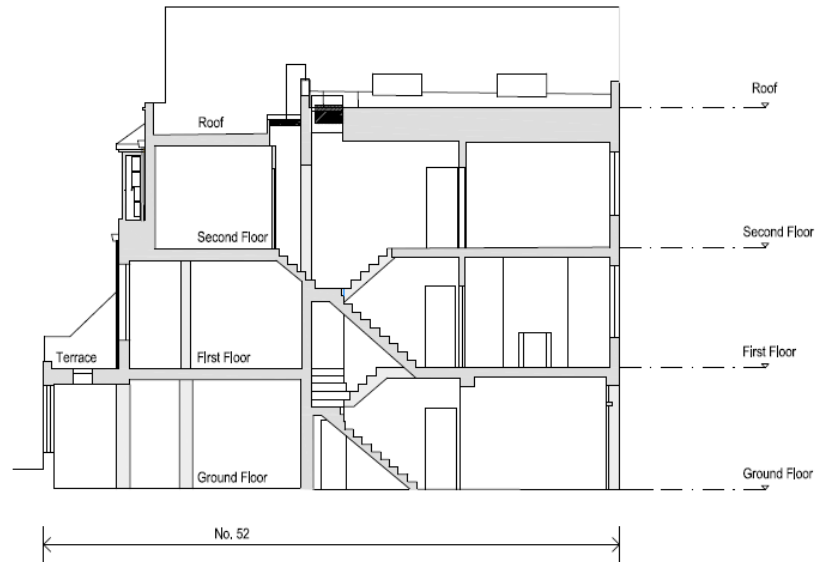
BRIMMELOW  
McSWEENEY  
ARCHITECTS  
20 South Street, South London, London SE16 2RN  
Tel: 020 7591 7888 Fax: 020 7591 7889  
www.brimmellow.com

Project:  
1445 52-56 Romney Street

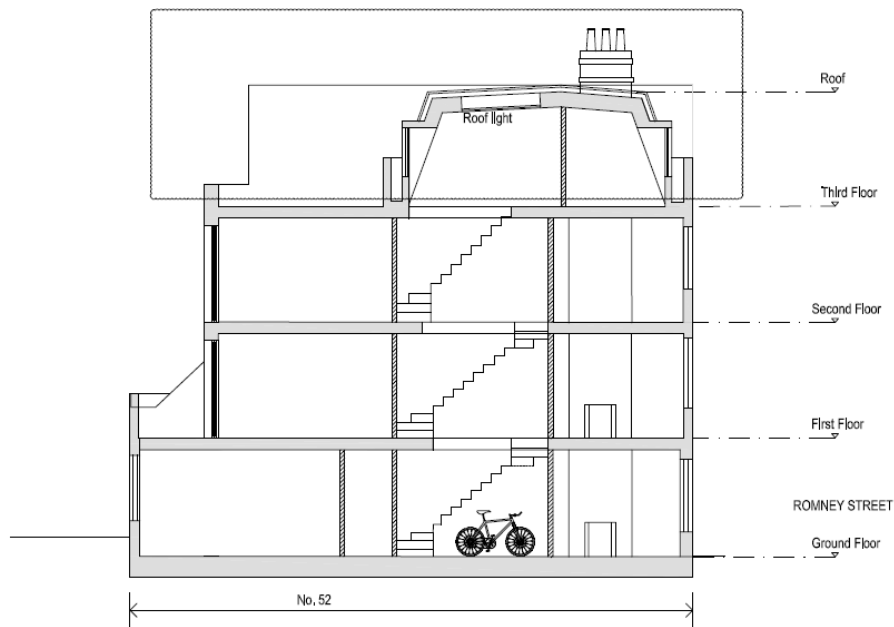
Proposed Second Floor  
Townhouse Option

Existing and proposed second floor plans



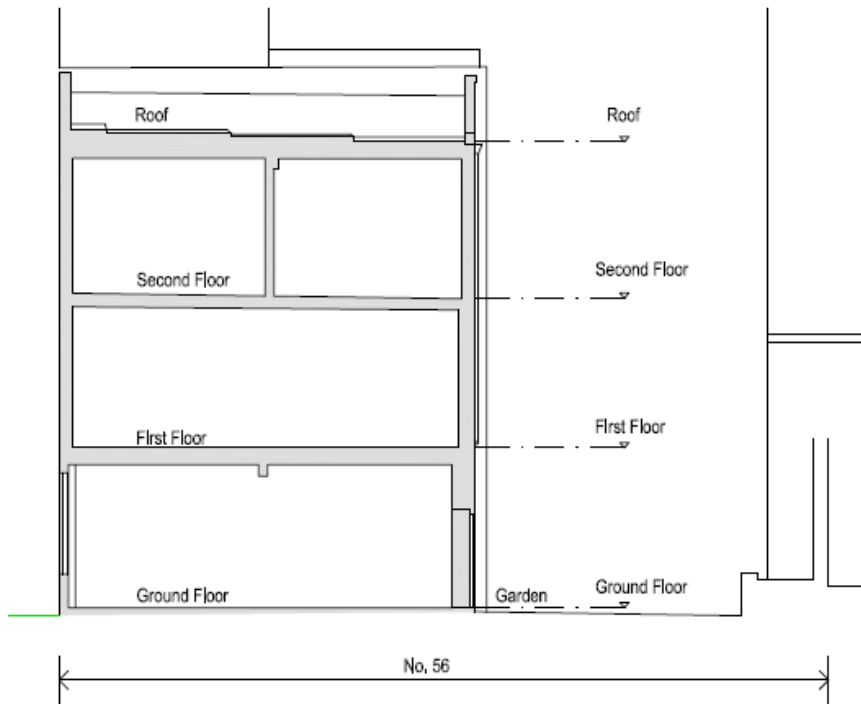


FOR PLANNING  
**BRIMELOW  
McSWEENEY  
ARCHITECTS**  
30 Great Queen Street, Great Queen Street, London EC2R 3BE  
+44 (0) 20 7611 7000 - +44 (0) 20 7611 7000 - +44 (0) 20 7611 7000  
info@brimelow-mcsweeney.com  
1445 52-56 Romney Street  
London, SW1  
Section AA  
As Existing



FOR PLANNING  
**BRIMELOW  
McSWEENEY  
ARCHITECTS**  
30 Great Queen Street, Great Queen Street, London EC2R 3BE  
+44 (0) 20 7611 7000 - +44 (0) 20 7611 7000 - +44 (0) 20 7611 7000  
info@brimelow-mcsweeney.com  
1445 52-56 Romney Street  
Proposed Section AA  
Townhouse Option

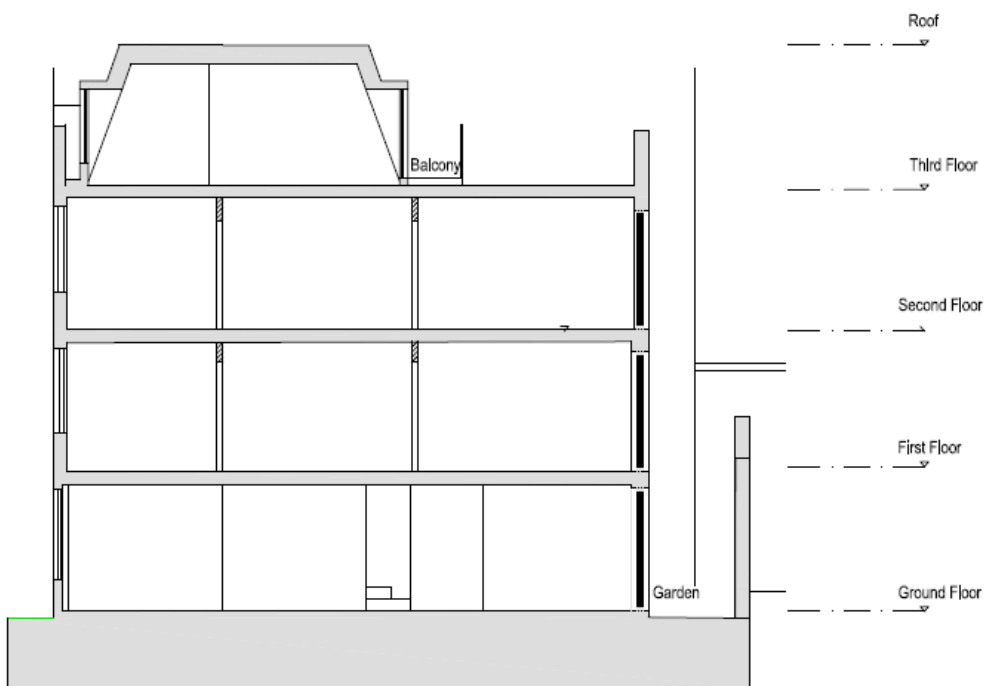
Existing and proposed section AA



BRIMELOW  
McSWEENEY  
ARCHITECTS  
20 Great Queen Street, City  
+44 (0)20 7597 7800 - Fax 020 7597 7801

52-56 Romney  
London, SW1

Section BB  
As Existing



FOR PI

BRIMELOW  
McSWEENEY  
ARCHITECTS  
20 Great Queen Street, City, London, UK  
+44 (0)20 7597 7800 - Fax 020 7597 7801

1445 52-56 Romney St

Proposed Section BB  
Townhouse Option

Existing and proposed section BB



Existing and proposed section CC

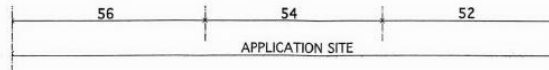


**Planning permission dated 29.07.2009 (RN: 09/01397/FULL)  
Previously approved front and rear elevations**

NOTE: New mansard roof to be Traditional Welsh slate



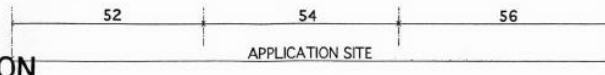
**ELEVATION A  
FRONT ELEVATION**



NOTE: New mansard roof to be Traditional Welsh slate



**ELEVATION B  
REAR ELEVATION**



**DRAFT DECISION LETTER**

**Address:** The Vine House, 54 Romney Street, London, SW1P 3RE

**Proposal:** Erection of mansard roof to Nos. 52, 54 and 56. Erection of rear extension to No. 52 at first and second floor levels; rear extension to No. 54 at first and second floor levels; and rear extension to No. 56 at ground, first, and second floor levels in connection with the conversion to three separate townhouses. Associated external alterations including new window and door opening to front façade, terraces at rear first floor level and balconies at rear first and second floor levels.

**Plan Nos:** 1445- 0001 Rev B; 0100 Rev B; 0101 Rev B; 0102 Rev B; 0200 Rev B; 0201 Rev B; 0202 Rev B; 0203 Rev B; 0300 Rev B; 0301 Rev B; 1100 Rev F; 1101 Rev F; 1102 Rev E; 1103 Rev F; 1104 Rev B; 1131 Rev B; 1132 Rev B; 1133 Rev B; 1134 Rev B; 1200 Rev C; 1201 Rev C; 1202 Rev C; 1203 Rev C; 1300 Rev C; 1301 Rev C.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 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 Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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 Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 of the following parts of the development - a) new windows; b) new doors; and c) dormers. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

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 Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of drawings at 1:20 of the following parts of the development - the overall building profile. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

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 Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the properties. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B or C of Part 1 or Class C of Part 2 of Schedule 2 of the Order shall be carried out on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

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 Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 You must apply to us for approval of drawings showing the following alteration(s) to the scheme;

- Doors and windows to first and second floor levels on the rear elevation formed in glazing and timber framing with an arrangement of glazing bars following the existing arrangement of glazing bars of the windows to the existing rear elevation at these floor levels.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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 Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both

and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**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 Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, 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 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 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 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 phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London

SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 6 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
  
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults - in this case the works to raise the redundant dropped kerb. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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.

# Agenda Item 5

Item No.

5

|  |  |  |              |
|--|--|--|--------------|
| <b>CITY OF WESTMINSTER</b>               |  |  |              |
| <b>PLANNING APPLICATIONS COMMITTEE</b>   | <b>Date</b><br>9 August 2016   | <b>Classification</b><br>For General Release |              |
| <b>Report of</b><br>Director of Planning |  | <b>Ward(s) involved</b><br>Regent's Park     |              |
| <b>Subject of Report</b>                 | 16 St John's Wood Road, London, NW8 8RE  |  |              |
| <b>Proposal</b>                          | Erection of side / rear conservatory at ground floor level, side extension at second floor level and erection of outbuilding for use as a gym. |  |              |
| <b>Agent</b>                             | Siraf Associates   |  |              |
| <b>On behalf of</b>                      | Mr Samir El Kurdieh  |  |              |
| <b>Registered Number</b>                 | 16/05856/FULL & 16/05857/LBC   | <b>Date amended/ completed</b>               | 22 June 2016 |
| <b>Date Application Received</b>         | 22 June 2016   |  |              |
| <b>Historic Building Grade</b>           |  |  |              |
| <b>Conservation Area</b>                 | St John's Wood   |  |              |

## 1. RECOMMENDATION

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

## 2. SUMMARY

No.16 St John's Wood Road forms one of a pair of semi-detached villas which are listed Grade II and located within the St John's Wood Conservation Area. The building is located on the corner with St John's Wood Road and Cunningham Place.

Planning permission and listed building consent are sought for the erection of rear conservatory at ground floor level, a side extension at second floor level, the erection of outbuilding in the rear garden for use as a gym and associated internal alterations.

Objections to the proposals have been received primarily on design and amenity grounds.

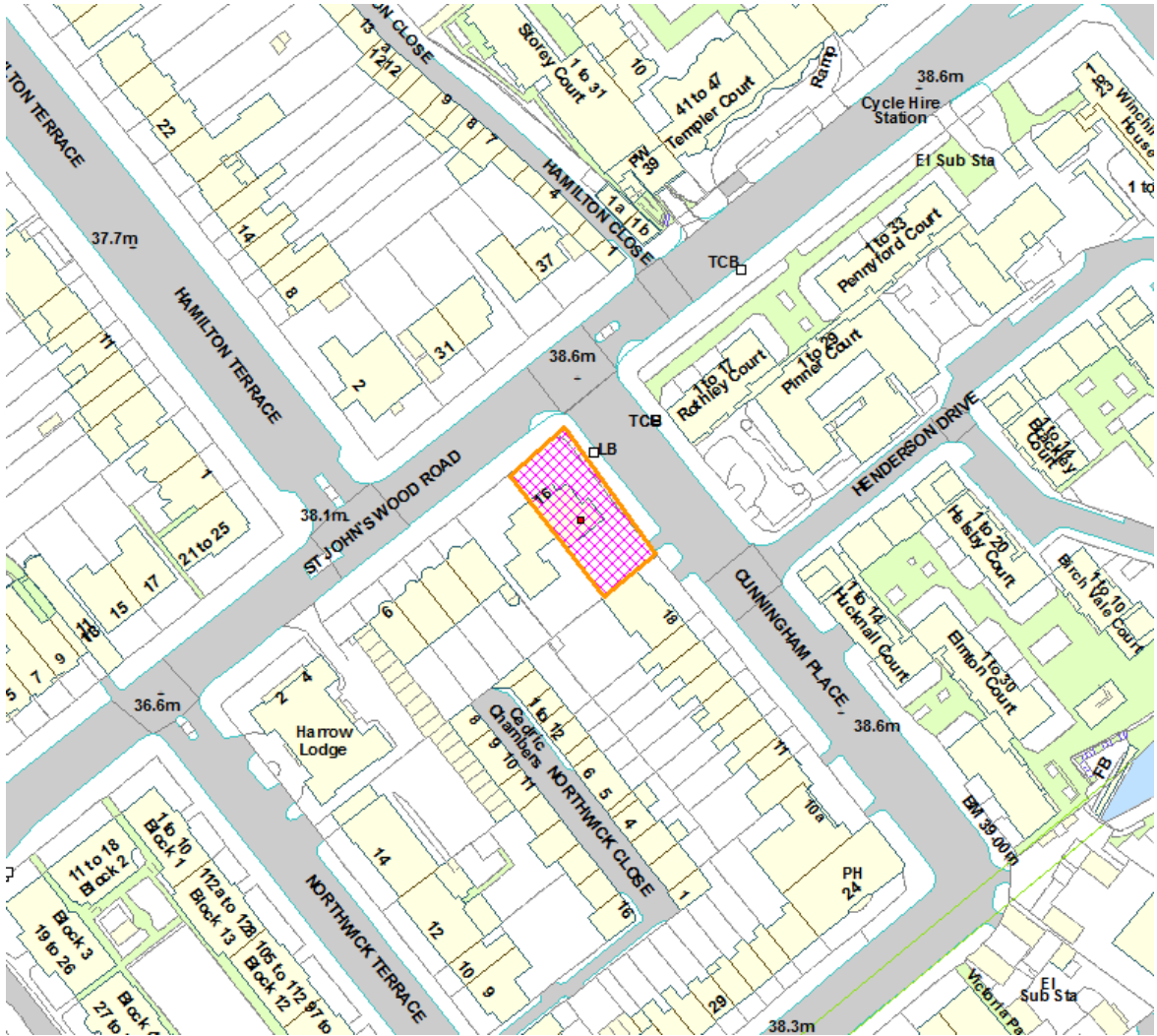
The key considerations in the determination of this application are:

- The impact of the proposals upon the special interest of the listed building and upon character and appearance of the St John's Wood Conservation Area;
- The impact of the proposals upon the amenity of neighbours.

The proposals are considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) with regards to conservation, design and amenity and accordingly, are recommended for approval.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front and Rear Elevations.

## 5. CONSULTATIONS

### ST JOHN'S WOOD SOCIETY:

Objection raised on the grounds that the conservatory proposed is poorly designed and the obscure glazing proposed to the conservatory will cause light and noise nuisance. Objection also raised on the grounds that the second floor side extension affects the historic core of the building.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30.

Total No. of replies: 3.

No. of objections: 3.

No. in support: 0.

Three objections received raising objection on all or some of the following grounds:

#### Design:

- Impact of proposals upon the Grade II listed building

#### Amenity:

- Loss of privacy from proposed conservatory
- Loss of sunlight and daylight from the proposed side extension
- Creation of a sense of enclosure from the proposed side extension when seen in context of the neighbouring extension at 14A St John's Wood Road.
- Loss of light from the proposed height of the garden gym building
- Loss of outlook from the proposed brick built garden gym building

#### Other:

- The drawings submitted do not show the context of the neighbouring properties to the proposals

PRESS ADVERTISEMENT / SITE NOTICE: Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site forms one of a pair of semi-detached villas which are listed Grade II and located within the St John's Wood Conservation Area. The building is located on the corner with St John's Wood Road and Cunningham Place. The building comprises basement, ground floor and two upper floors. As a pair the building is a typical St John's Wood villa which were designed to resemble a single large property and are characterised by their symmetry, simple classical detailing including the rendered ground floor, with recessed entrances reinforcing the feeling of one grand house. Typically they are set in large plots, with generous gardens to the front and rear and wide gaps between properties. Accessed from Cunningham Place is a private driveway.

The neighbouring property, No.14 St John's Wood Road, has been heavily altered in the past. There are three flats in the main building, known as No.14 St John's Wood Road and

a house built between No's.12 and 14, known as No.14A St John's Wood Road. The garden to the lower ground floor flat, extends the same depth as the garden of the application site, excluding the area currently used as a driveway, whilst No.14A St John's Wood Road has an L shaped garden, that projects eastwards behind the garden of the No.14 St John's Wood Road to the rear wall of the driveway of the application site.

## **6.2 Recent Relevant History**

21 December 2007 – Planning permission. Listed building consent and conservation area consent granted for erection of an extension at basement level, reconfiguration of bay window on side elevation and associated internal and external alterations together with replacement and demolition of garage to rear of 16 St John's Wood Road (07/08920/FULL, 078921/LBC & 07/08922/CAC).

## **7. THE PROPOSAL**

Planning permission and listed building consent are sought for the erection of rear conservatory at ground floor level, a side extension at second floor level, the erection of outbuilding in the rear garden for use as a gym and associated internal alterations.

The proposals have been amended during the course of the application to reduce the depth of the second floor side extension. It was not considered necessary to reconsult neighbours on this amendment.

The ground floor conservatory measures 3.1m in width, 3.1m in depth and is 3m in height to the pitch of the roof. The side elevation of the conservatory, on the boundary with No.14 St John's Wood Road is to be obscure glazed and fixed shut. The conservatory is to be constructed in white painted timber. The proposed side extension is 2.5m in width and 7.6m in depth, set back from the main rear elevation by 1m. The extension is designed to be in brick with a rendered parapet to match the existing building. The proposed gym building in the rear garden is 3.35m in width, 7m in length and 3.6m in height and is to be built in brick. The building incorporates a rooflight.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

As the extensions proposed are to a single family dwellinghouse, there are no land use implications as a result of the proposals. The extension of the existing dwellinghouse accords with Policy H3 in the UDP and S14 in the City Plan.

### **8.2 Townscape and Design**

UDP policy DES 5 seeks to ensure the highest standards of design in alterations and extensions, specifically noting that permission will be granted where an alteration or extension does not visually dominate the existing building and is of a scale and detailed design that reflects the host building. It also states that permission may be refused for an extension which rises above the penultimate storey of the existing building.

Above the recessed entrance it is proposed to erect a side extension at second floor level. During the course of the application the scale of this addition has been reduced so that the rear elevation is recessed from the rear elevation of the core of the building by one metre. The second floor extension reflects and incorporates the architectural characteristics that are present on the first floor below with regards to materiality, architectural detailing and the design and scale of the fenestration.

The St John's Wood Society have raised an objection to the second floor side extension on the grounds that it results in the loss of the historic core of the building. To the side and rear the building has been historically altered and extended resulting in a 2 storey rear bay to the rear and a projecting bay on the side wing of the recessed entrance. Furthermore the neighbouring building in this semi-detached pair has been extended at second storey level above the recessed entrance. In this context the principle of erecting a second floor side extension is considered to have a limited impact on the special interest of the listed building.

The side extension would be set within the envelope of the current form and is recessed from the rear elevation allowing for the conscious design of the host building to remain and the historic core to be interpreted. As the neighbouring building has been extended in this location, when the front elevation is viewed directly, the building will have a degree of symmetry, although it is recognised that the extension to the application site will be slightly larger in scale with respect to its height and width. Additionally, the cornice detail has been replicated giving the extension a more formal appearance. In this instance, although this is not apparent on the neighbouring property, this is not considered to be an unsympathetic approach. Whilst UDP policy DES 5 restricts the erection of an extension which rises above the penultimate storey of the existing building, this site is considered to be able to sympathetically accommodate the addition with harm to the listed building and the character and appearance of the St. John's Wood Conservation Area. Access into the second floor extension will be through an opening in the external wall at the top of the internal wall. This is considered acceptable in listed building terms.

As proposed the conservatory would sit within a recess on the rear elevation against the boundary with No.14 St Johns Wood Road. The extension would be at ground floor level and would be single storey, formed of a white painted timber frame and be glazed. The elevation adjacent to the boundary would be obscure glazed. The City Council's Supplementary Planning Guidance document '*Conservatories*' states that they should be designed so as not to be dominant in scale, should reflect the proportions and details of the host building and should be confined to the lower levels of the buildings. As a listed building, a high standard of design and qualities of materials is expected in order for it to sit comfortably with the architectural and historic integrity of the host building. The conservatory proposed is confined to a recess on the rear elevation, is of a subservient scale and appears as a lightweight addition to the listed building. The conservatory is not considered to visually dominate the rear elevation, will be interpreted as a later addition and is considered to be in accordance with policy DES 5 in the UDP. Access into the conservatory will utilise the existing openings, which is a sympathetic approach, and therefore the introduction will not result in a loss of historic fabric. This alteration is therefore acceptable in design and listed building terms.

From the planning history for the site it is apparent that there was a garage structure in the location of the proposed gym building. This was demolished following conservation area

consent granted in 2007. Therefore the principle of a building in this location has previously accepted. The garage will be the same height as the neighbouring single storey structure, at No.18 Cunningham Place but will be further recessed into the site. The erection of a building which is subserviently scaled and of a detailed design which is in keeping with the built form in the immediate setting, including the neighbouring building, is not considered to have a negative impact in townscape terms and is in accordance with policies DES1 and DES 5 in the UDP. The front elevation is traditionally detailed so that it is interpreted as an ancillary and subservient structure in the garden setting, which is considered to be sympathetic to the setting of the heritage asset and the character and appearance of the conservation area.

The proposed works are considered acceptable in terms of their design, materials, impact upon plan form and impact upon historic fabric. The works are not harmful to the special interest (significance) of the listed building and will preserve or enhance the character and appearance of the St John's Wood Conservation Area. The proposals therefore comply with the NPPF, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 1, DES 5, DES 9 and DES 10 of Westminster's Unitary Development Plan (adopted January 2007) and the Supplementary Planning Guidance 'Repairs and Alterations to Listed Buildings' (adopted April 1996).

### **8.3 Residential Amenity**

Policy ENV13 of the UDP and S29 of the City Plan aim to safeguard the amenity of residents from the effects of new development with particular regard to overlooking, sense of enclosure and loss of daylight and sunlight.

Objections have been received in relation to loss of privacy, loss of daylight and sunlight, light spillage and loss of garden views from residents within the lower ground floor flat, the ground floor flat and the upper flat of the neighbouring property.

The conservatory proposed at ground floor level would be built directly on the boundary with No.14 St. John' Wood Road, in place of the existing terrace. The conservatory will be a painted timber framed structure with fixed glazed panels, which are to be obscure glazed along the boundary with No.14.

The nearest window adjacent the proposed side elevation of the conservatory serves a bedroom of the ground floor flat. At lower ground floor of the neighbouring property, directly below the proposed conservatory, is a small conservatory which is in use as a dining area. Given the glazed nature and its depth of the proposed conservatory, measuring 3.1m in depth, it is not considered that the occupiers of the above mentioned flats will experience such an increased sense of enclosure, so as to suffer a material loss of amenity.

As the side elevation of the proposed conservatory is to be obscure glazed with no opening windows, it is not considered that any overlooking will occur to the windows of the neighbouring properties or that the objectors will experience any unacceptable levels of noise. A sample of the obscure glazing is to be secured by condition. The garden elevation of the conservatory will allow for overlooking to occur to the garden of the lower ground floor flat of No.14 St John's Wood Road; however you can already see this garden from the existing terrace at ground floor level to the rear of the application site and therefore

whilst the conservatory space may be used more intensively, this arrangement is not considered to be unacceptable in amenity terms.

With regards to light spillage, as with any glazed structure there is the potential for this to be noticeable; however, any light spillage is not considered to be likely to be so significant so as to warrant refusal given the relatively small size of the proposed conservatory structure.

The proposed side extension at second floor level is set back from the rear elevation of the main property and therefore results in no amenity concerns to neighbours.

The proposed gym building on the existing rear driveway, which is already separated from the main garden by a 1.8m fence/ shrubbery will be visible to the objectors living in No.14 St John's Wood Road and will effectively bring a solid brick wall of 3m in height, some 3.3m closer to them. The existing fence/shrubbery is to remain as a buffer zone. With a garden depth (to both the application site and No.14 St John's Wood Road) measuring approximately 7m, the gym building is not considered to have a harmful effect upon the amenity of these occupiers in terms of loss of light. Whilst the neighbours outlook will be altered, currently they already look over the side elevation of the garage of No.18 Cunningham Place and therefore the proposals are not considered to result in any further harm in terms of causing an increased sense of enclosure. The proposed gym building will butt directly to the rear wall/ elevation of the driveway, which is adjacent the end of the L shaped garden of No.14a St John's Wood Road. Although this alteration will be appreciable to the occupiers of No.14a, the proposals are not considered to be harmful in amenity terms.

The proposals are considered acceptable in amenity terms and comply with Policy ENV13 of the UDP and S29 of the City Plan.

#### **8.4 Transportation/Parking**

The proposed gym building in the rear garden will occupy an area currently used for off-street parking. The proposals will still allow for one car to be parked off-street and therefore the proposal would accord with Policy TRANS23 in the UDP in parking terms.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

There are no access issues as a result of this application.

#### **8.7 Other UDP/Westminster Policy Considerations**

None relevant.

#### **8.8 London Plan**

This application raises no strategic issues.

### 8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### 8.10 Planning Obligations

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

### 8.11 Environmental Impact Assessment

Not applicable.

### 8.12 Other Issues

Objections have been received on the grounds that the plans submitted do not make any reference to the neighbouring properties, in terms of showing existing extensions etc. Whilst drawings showing the proposals in the context of neighbouring properties are beneficial in many cases, this is not a formal requirement when validating a planning application. It is for the case officer to assess the implications of the proposals upon neighbouring properties during the course of the planning application and this assessment has been undertaken by officers in this case. As part of the assessment of the current application officers have undertaken a site visit to the neighbouring lower ground floor flat at No.14 St. John's Wood Road, as well as to the application site, to assess the impact on neighbouring occupiers this flat and others within No.14 St. John's Wood Road.

## 9. BACKGROUND PAPERS

1. Application form.
2. Email from St John's Wood Society dated 19 July 2016.
3. Emails (x3) from the occupier of The Garden Flat, 14 St John's Wood Road all dated 4 July 2016.
4. Email from the occupier of Ground Floor Flat, 14 St John's Wood Road dated 5 July 2016.
5. Email from the occupier of Upper Floor Flat, 14 St John's Wood Road dated 8 July 2016.

#### **Selected relevant drawings**

Existing and proposed plans and elevations.

(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: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

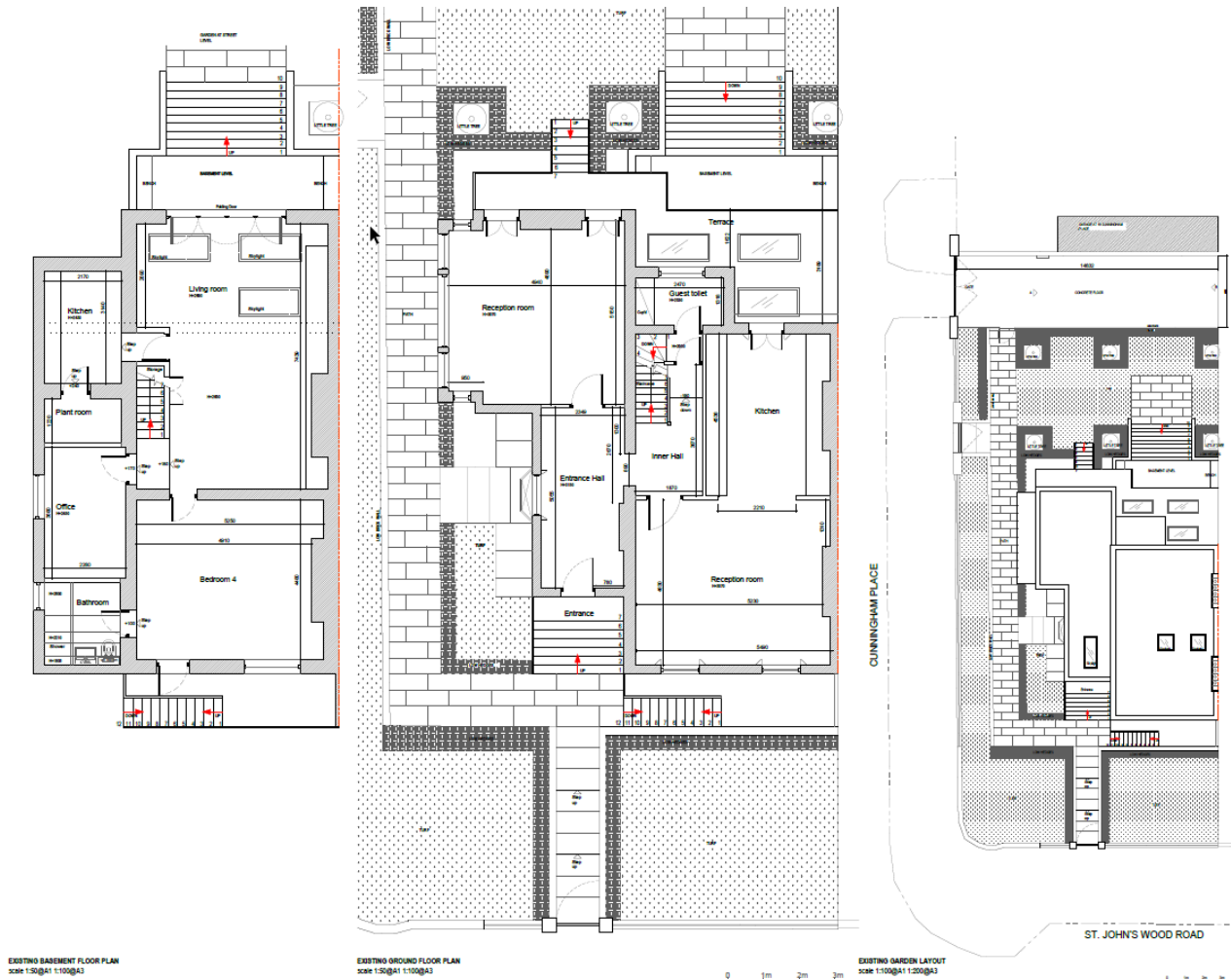


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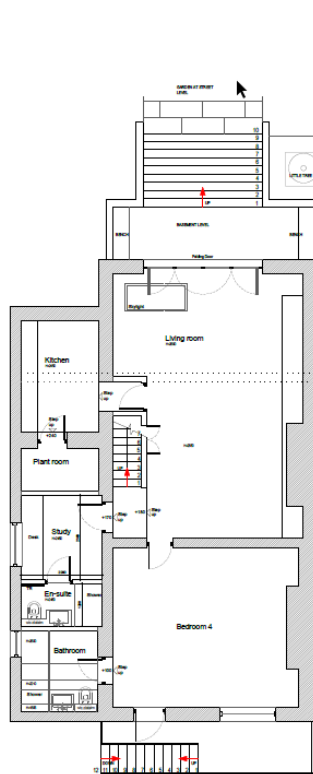
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10. KEY DRAWINGS

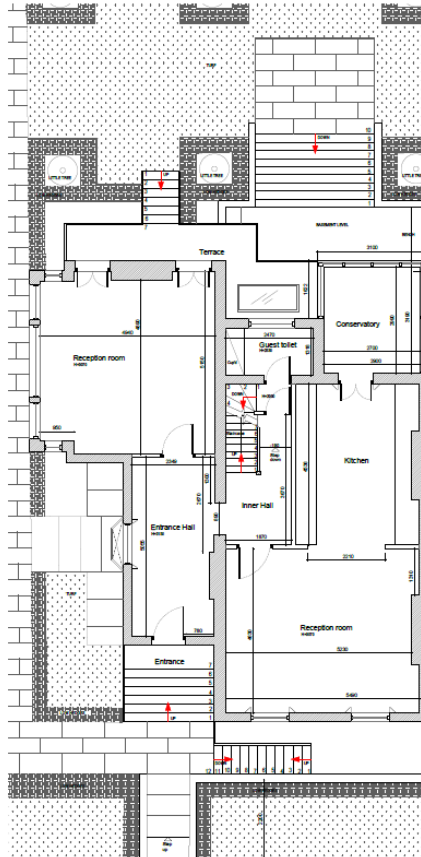
Existing lower ground, ground and garden plan



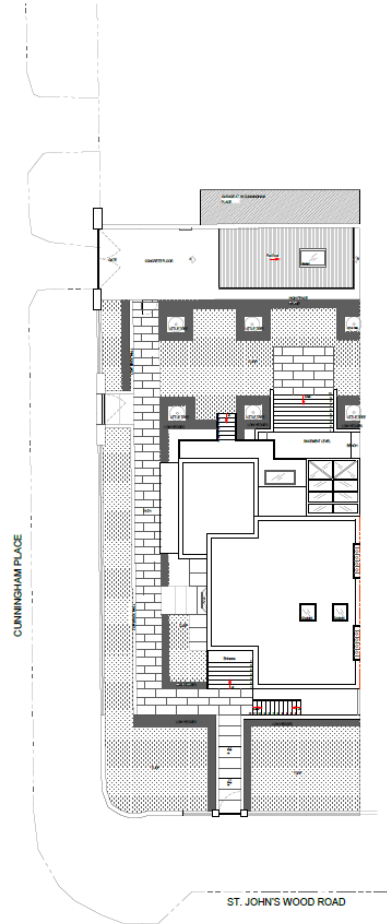
### Proposed Lower Ground, Ground and Garden Plan



PROPOSED BASEMENT FLOOR PLAN  
scale 1:50 @ 1:100 @ A3

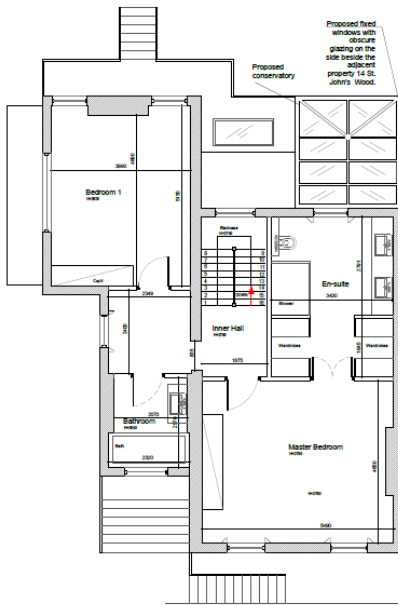


PROPOSED GROUND FLOOR PLAN  
scale 1:50 @ 1:100 @ A3

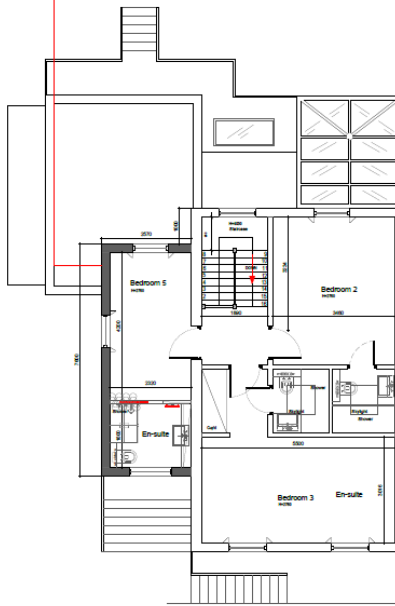


PROPOSED GARDEN LAYOUT  
scale 1:50 @ 1:200 @ A3

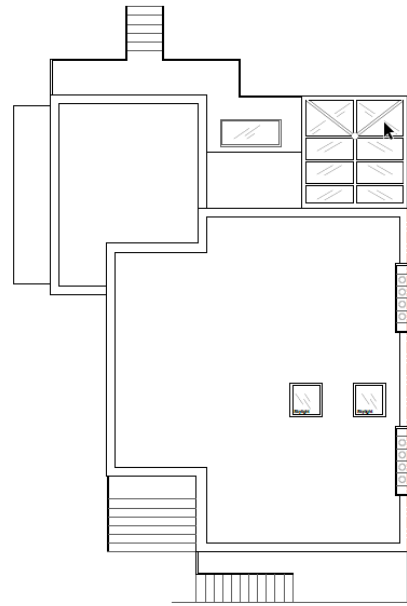
### Existing and Proposed First, Second and Roof Plan



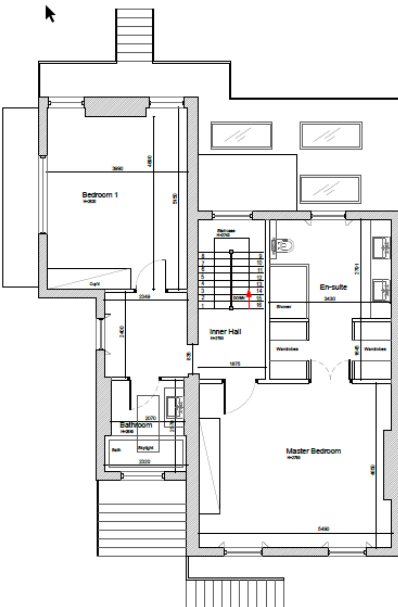
PROPOSED FIRST FLOOR PLAN  
scale 1:50 @ A1 1:10 @ A3



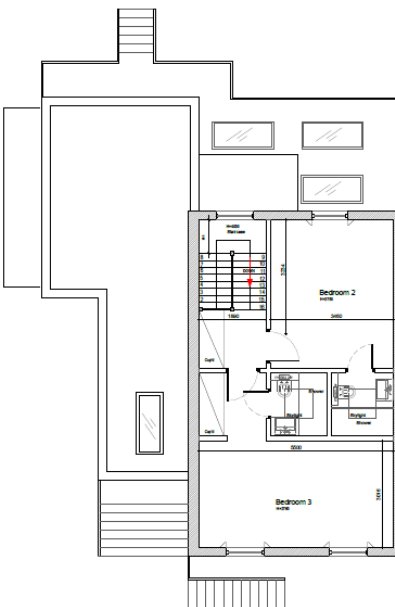
PROPOSED SECOND FLOOR PLAN  
scale 1:50 @ A1 1:10 @ A3



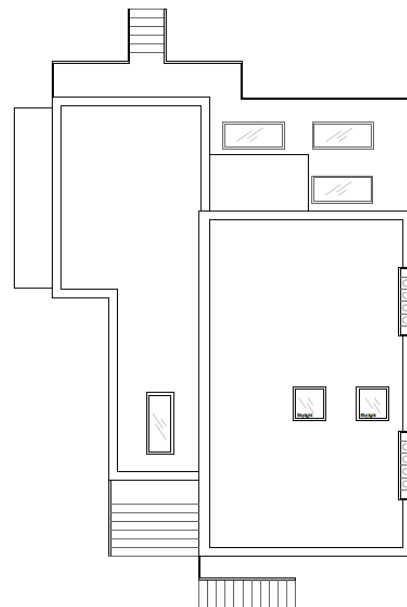
0 1m 2m 3m



EXISTING FIRST FLOOR PLAN  
scale 1:50 @ A1 1:10 @ A3



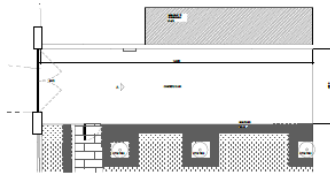
EXISTING SECOND FLOOR PLAN  
scale 1:50 @ A1 1:10 @ A3



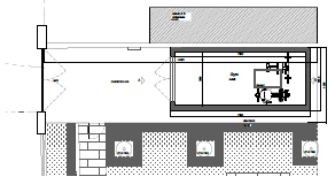
### Existing and Proposed Front and Rear Elevations



# Proposed Gym Building



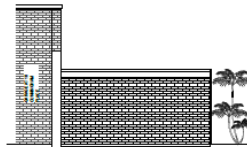
EXISTING REAR SIDE PLAN  
Scale 1:100@A1 1:100@A3



PROPOSED REAR SIDE PLAN  
Scale 1:100@A1 1:100@A3



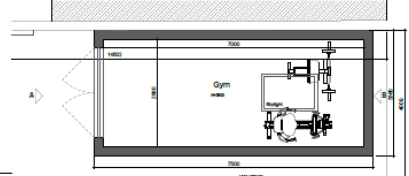
Sample of the wooden gate make by specialist.



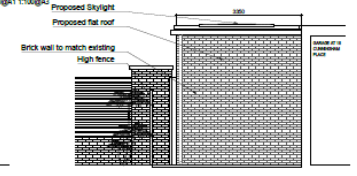
EXISTING ELEVATION A  
Scale 1:50@A1 1:100@A3



PROPOSED GYM ELEVATION A  
Scale 1:50@A1 1:100@A3



PROPOSED GYM PLAN  
Scale 1:50@A1 1:100@A3



PROPOSED GYM ELEVATION B  
Scale 1:50@A1 1:100@A3

**DRAFT DECISION LETTER – PLANNING APPLICATION**

**Address:** 16 St John's Wood Road, London, NW8 8RE

**Proposal:** Erection of rear conservatory at ground floor level, side extension at second floor level and erection of outbuilding for use as a gym.

**Reference:** 16/05856/FULL

**Plan Nos:** 16-16SJWR: 100A; 101 A; 200C; 201B; 300B; 400B; 500A; 600A; V01A; V02; V03A; V04A; V05A; V06A; Design and Access Statement and Historic Buildings Impact Assessment.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

**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 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development - the new windows in the second floor extension. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 The glass that you put in the windows in the side elevation on the boundary with 14 St John's Wood Road elevation of the conservatory must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 7 The single storey outbuilding shall not be used as habitable accommodation including overnight sleeping and shall only be used for other purposes incidental to the enjoyment of the single family dwellinghouse at 16 St John's Wood Road.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary



Development Plan that we adopted in January 2007.

**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 Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, 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 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 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)

**Address:** 16 St John's Wood Road, London, NW8 8RE,

**Proposal:** Erection of rear conservatory at ground floor level, side extension at second floor level and erection of outbuilding for use as a gym.

**Reference:** 16/05857/LBC

**Plan Nos:** 16-16SJWR: 100A; 101 A; 200C; 201B; 300B; 400B; 500A; 600A; V01A; V02; V03A; V04A; V05A; V06A; Design and Access Statement and Historic Buildings Impact Assessment

**Case Officer:** Kimberley Davies **Direct Tel. No.** 020 7641 5939

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The works 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)  
Reason:  
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)
- 3 You must apply to us for approval of detailed drawings of the following parts of the development - the new windows in the second floor extension. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)  
Reason:  
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the 2.4 Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan (July 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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

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

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.

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| <b>CITY OF WESTMINSTER</b>               |   |  |                 |
| <b>PLANNING APPLICATIONS COMMITTEE</b>   | <b>Date</b><br>09 August 2016   | <b>Classification</b><br>For General Release           |                 |
| <b>Report of</b><br>Director of Planning |   | <b>Ward(s) involved</b><br>Knightsbridge And Belgravia |                 |
| <b>Subject of Report</b>                 | 17A Montpelier Square, London, SW7 1JR  |  |                 |
| <b>Proposal</b>                          | Erection of an extension at rear lower ground and ground floor level and single storey extension at rear third floor level. Internal alterations, including the lowering of the lower ground floor and pavement vaults by 0.3m. |  |                 |
| <b>Agent</b>                             | DOS Architects  |  |                 |
| <b>On behalf of</b>                      | Mrs Alessandra Poletti  |  |                 |
| <b>Registered Number</b>                 | 15/11088/FULL<br>15/11089/LBC   | <b>Date amended/ completed</b>                         | 18 January 2016 |
| <b>Date Application Received</b>         | 27 November 2015  |  |                 |
| <b>Historic Building Grade</b>           | II  |  |                 |
| <b>Conservation Area</b>                 | Knightsbridge   |  |                 |

## 1. RECOMMENDATION

- |   |
|---|
| <ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.</li> </ol> |
|---|

## 2. SUMMARY

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| <p>17A Montpelier Square is a mid-terrace five storey building which is in use as a single family dwelling house. The building is Grade II listed and located within the Knightsbridge Conservation area.</p> |
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| <p>Planning permission and listed building consent are sought for the erection of an extension at rear lower ground and ground floor level and single storey extension at rear third floor level, and associated internal alterations, including the lowering of the lower ground floor and pavement vaults by 0.3m.</p> |
|--|

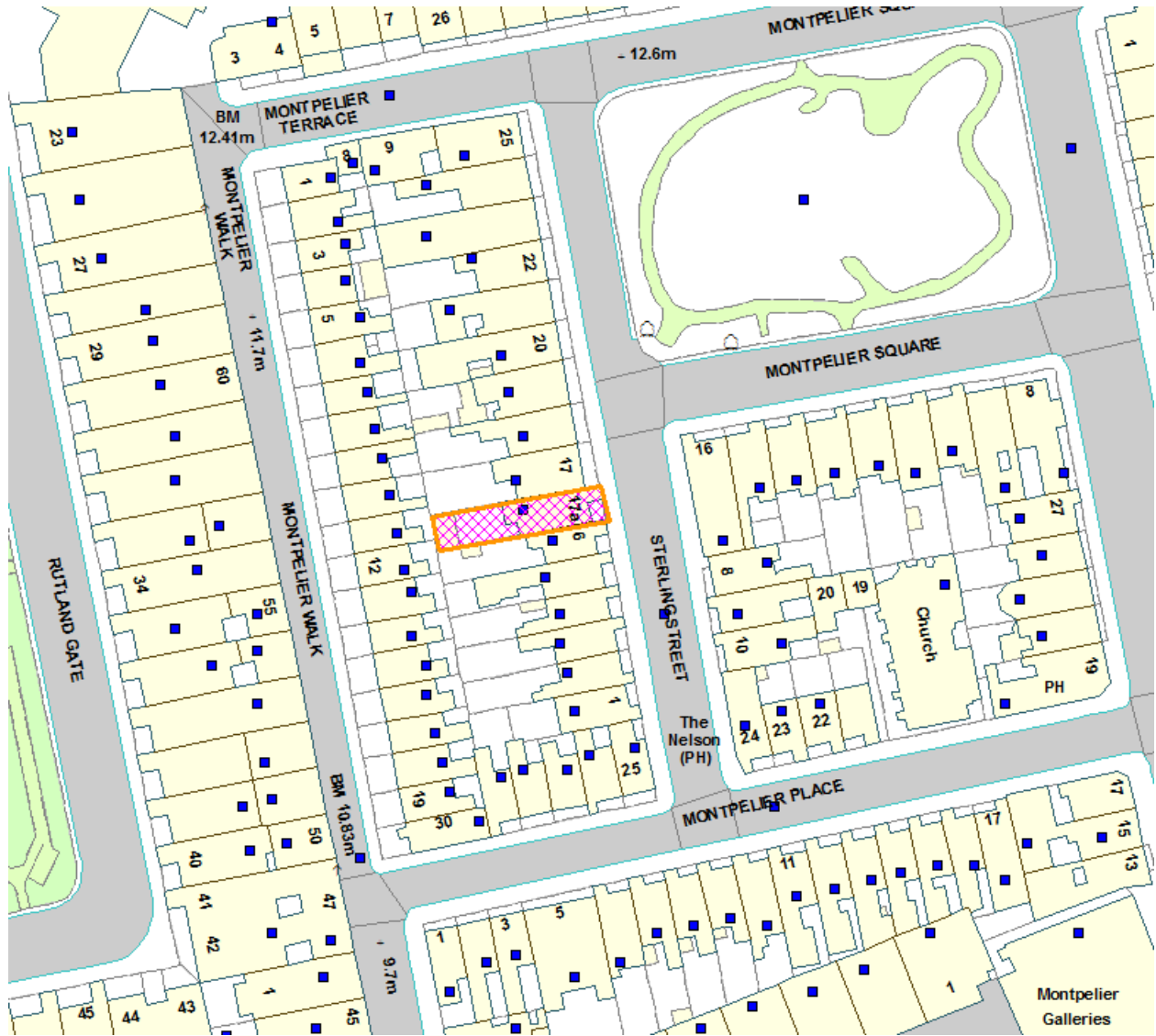
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| <p>The main issues for consideration are:</p> |
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|   |
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| <p>* The impact of the proposals upon the special architectural or historic interest (significance) of the listed building;</p> |
|---|

- \* The impact of the proposals upon the character and appearance of the Knightsbridge Conservation Area;
- \* The impact of the proposals upon the amenity of neighbouring residents.

The proposals are considered to comply with the Council's policies in relation to amenity, design and conservation as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). As such, the applications are recommended for approval subject to the conditions set out in the draft decision letters.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

### KNIGHTSBRIDGE ASSOCIATION:

No objection.

### HISTORIC ENGLAND:

Authorisation received to determine an application for listed building consent as seen fit dated 27 January 2016.

### HIGHWAYS PLANNING MANAGER:

No objection.

### BUILDING CONTROL:

No objection to the lowering of the lower ground floor and basement vaults by 0.3m. Advise permission should be sought from the council's Highways Department before any works commence.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies: 2 (2 replies from one neighbour)

No. of objections: 2

No. in support: 0

Objection from neighbour at no.17 Montpelier Square on the following grounds:

#### Amenity:

- Overlooking/ loss of privacy from glazed rooflight in rear extension.

#### Design:

- It's not clear from the drawings how the proposed extension relates to existing extension at no. 17.

#### Other:

- No information provided in respect of the proposed lowering of the ground floor excavation works.

- No information provided on the method of waterproofing.

- No explanation to resolve the drainage of the proposed lower ground floor bathroom.

- No traffic management plan has been provided.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

17A Montpelier Square is a mid-terrace five storey building which is in use as a single family dwelling house. The building is located in the south west corner of Montpelier Square on the junction with Sterling Street, where it adjoins no.6 Sterling Street and no.17 Montpelier Square.

The building is Grade II listed and is located within the Knightsbridge Conservation Area.

### 6.2 Recent Relevant History

95/00926/LBC

PARTIAL DEMOLITION OF BOUNDRY WALL BETWEEN 17A MONTPELIER SQUARE AND 6 STERLING STREET.

Application Permitted 11 April 1995

## 7. THE PROPOSAL

Planning permission and listed building consent are sought for the erection of an extension at rear lower ground and ground floor level and single storey extension at rear third floor level, and associated internal alterations, including the lowering of the lower ground floor and pavement vaults by 0.3m.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposal to extend this single family dwelling is acceptable in principle and is in line with Policy H3 of the UDP and S14 of the City Plan.

### 8.2 Townscape and Design

#### Lower ground and ground floor extension

The history of this building is complicated, however in basic terms the rear wall has been extended so that it is level with the original closet wing, believed to have been undertaken in the late 19th century. There is an existing single storey extension at rear ground floor level. This extension is located beyond what would have been the original closet wing. The proposal seeks to replace the existing single storey extension at rear ground floor level with a new structure at lower ground and ground floor level and provide a glazed infill extension.

At lower ground the proposed extension is considered acceptable as the extension will have minimal impact on the appearance of the rear elevation at this level.

At ground level, the proposed extension would not normally be considered acceptable as it lies beyond what would have been the original closet wing. However the proposals are acceptable in this instance as they seek the replacement of the existing ground floor

extension which already sits forward of the original closet wing. In comparison to the existing ground floor extension, the replacement ground floor extension is reduced in depth by 1m and would increase in height by 1m.

A glazed ground floor infill extension is proposed adjacent the boundary with no. 6 Sterling Street. This glazed infill is recessed by approximately 1.5m in comparison to the other half of the ground floor extension. The infill extension is considered acceptable in this location. A small terrace is proposed in front of the glazed infill extension which will have simple black railings which again is considered acceptable in design terms.

The detailed design of the more solid half of the rear extensions/ replacement extension section adjacent no.17 Montpelier square is however considered inappropriate. An amending condition is therefore recommended requiring the removal of the proposed garden access stair as well as the replacement of the ground floor double doors with a simple window that accords with the fenestration above.

### Third Floor Extension

At third floor level there is a section missing from the rear elevation which provides further evidence of the development of the building. This aspect is considered a peculiar aesthetic and is not considered to add to the character of the building. The rear third floor extension is therefore considered an opportunity to improve the appearance of the rear elevation and as such is considered acceptable.

### Internal alterations

The lower ground floor level including pavement vaults is to be lowered by approximately 0.3m in order to provide a better floor to ceiling height. The floor to ceiling heights at this level are extremely low and will greatly benefit from the floor being lowered. The other internal alterations at this level are to create a bedroom and bathroom and replicate a traditional layout. Given that the partitions at this level are modern, these works are considered acceptable in listed building terms.

An objection has been raised from the neighbour at no.17 Montpelier Square on grounds that no information has been provided in respect of the lowering of the floor. Building Control have been consulted on the proposals and raise no objection to the works but advise that permission is sought from the council's Highways Department before any works commence. An informative is added to advise the applicant.

The works at ground and upper floor levels are relatively minor and are not considered to harm the special architectural or historic interest (significance) of the listed building.

## **8.3 Residential Amenity**

### Ground floor extension

In comparison to the existing ground floor extension, the replacement ground floor extension is reduced in depth by 1m but will increase in height by approximately 1m.

The neighbour at no.17 Montpelier Square objects on grounds the submitted drawings are not clear in terms of showing how the proposed extension relates to the existing glazed conservatory extension at no.17. The applicants were advised by officers that the proposed ground floor extension must not exceed the height of the boundary wall with no. 17. No.17 has a conservatory extension with a glazed flank elevation which sits above the boundary wall. The section drawings show the replacement extension will be located at the same height as the existing boundary wall with no. 17, which sits below the glazed flank elevation of no.17s conservatory. The extension will not harm the amenity of no.17 in terms of light or sense of enclosure.

A glazed rooflight is proposed in the roof of the replacement ground floor rear extension. The neighbour at no.17 objects on grounds the rooflight would overlook no.17s conservatory. As highlighted above, no.17 has a conservatory extension with a glazed flank elevation which sits above the boundary wall and overlooks the application site, no.17a. The proposed rooflight will be set flush in the roof of the new extension which sits below the cill of the glazed flank elevation of no.17s conservatory. In this location it is not considered that the proposed rooflight would cause a material loss of privacy or overlook the glazed flank elevation of no. 17s conservatory. A condition requiring the rooflight to be obscure glazed is not considered to be necessary.

#### Third floor extension

At third floor level it is proposed to infill a section of roof which would square off the rear elevation and improve the layout at this level. The infill extension would project approximately 3.5m along the boundary with no.6 Sterling Street. The nearest windows are two windows within the mansard roof extension of no.6 Sterling Street. It is not clear what these two windows serve but an on site assessment indicates they may serve a bedroom. The window nearest the proposed extension is already partly obscured as it has an air conditioning unit installed in its bottom half. It is acknowledged that the proposed third floor extension would clearly be visible from these windows within the mansard of no.6 Sterling Street. However given no.6 Sterling Street is located due south of the application site and also that the nearest window is already obscured by an air conditioning unit, on balance it is not considered that the extension would significantly harm the amenity of this neighbour in terms of light or sense of enclosure.

#### **8.4 Transportation/Parking**

The alteration and enlargement of this single family dwellinghouse does not raise any highways issues.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

The proposals relate to an existing single family dwelling, and with the exception of the modest lowering of the lower ground floor level and basement vaults, access into the building remains as existing.

## **8.7 Other UDP/Westminster Policy Considerations**

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

## **8.8 London Plan**

This application raises no strategic issues.

## **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

## **8.10 Planning Obligations**

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

## **8.11 Environmental Impact Assessment**

Not applicable.

## **8.12 Other Issues**

The neighbour at no.17 objects on grounds that the proposals do not provide information in respect of method of waterproofing, details of drainage from the proposed lower ground floor bathroom or details of a traffic management plan. In relation to waterproofing and drainage, these are not strictly considered to be planning matters, but matters to be resolved under Building Regulations. In respect of the traffic management plan, the proposals are not considered to be of a scale which would require submission of a traffic management plan. Conditions and informatives are recommended, which in this case are considered sufficient to control works.

## 9. BACKGROUND PAPERS

1. Application form.
2. Memo from the Knightsbridge Association received 01.02.2016.
3. Letter from Historic England dated 27.01.2016.
4. Memo from Highways Planning Manager dated 01.02.2016.
5. E-mail from Building Control dated 26.02.2016.
6. Letters from the owner/ occupier of 17 Montpelier Square dated 26.01.2016 and 08.07.2016.

### Selected relevant drawings

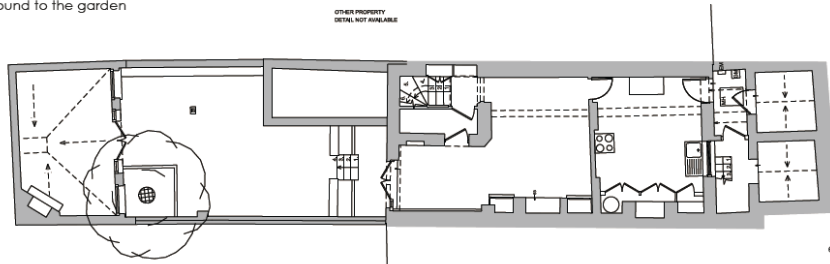
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT DDORWARD@WESTMINSTER.GOV.UK

### 10. KEY DRAWINGS

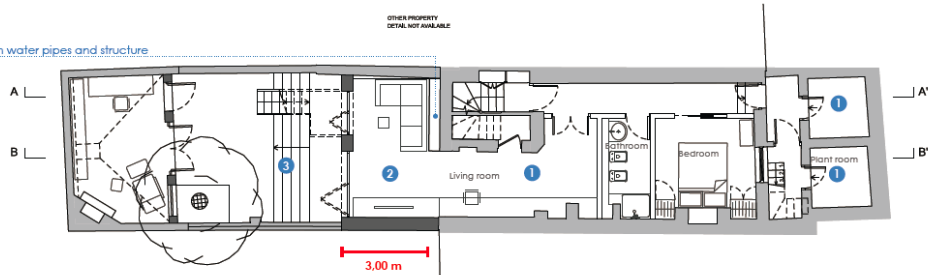
#### 6.3 EXISTING/PROPOSED PLANS

- 1. Internal floor to be lowered 30 cm
- 2. New extension in the rear garden
- 3. New steps from lower ground to the garden



existing lower ground floor  
scale 1:100 @ A3

Space for drainage rain water pipes and structure

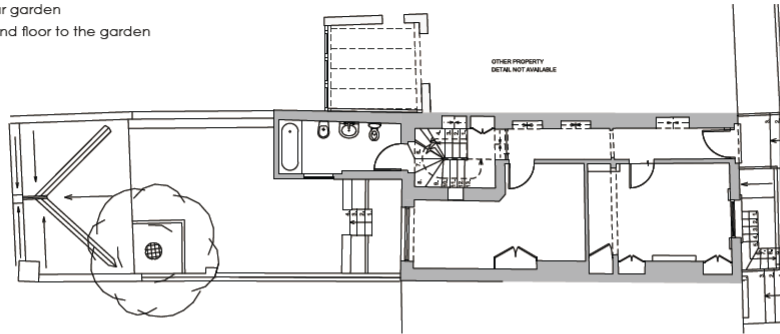


proposed lower ground floor  
scale 1:100 @ A3

Existing and proposed lower ground floor

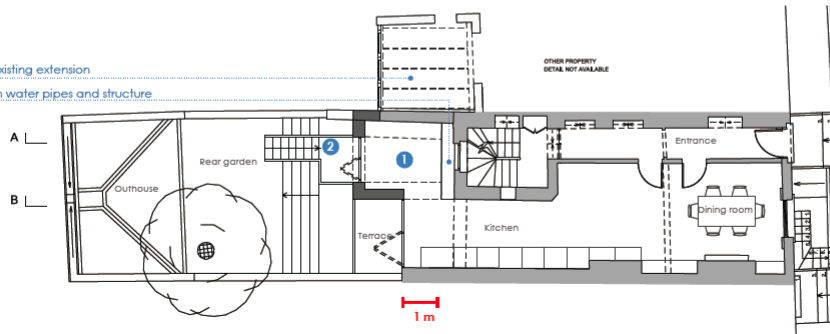
**6.3 EXISTING/PROPOSED PLANS**

1. New extension in the rear garden
2. New staircase from ground floor to the garden



existing ground floor  
scale 1:100 @ A3

17 Montpelier Square existing extension  
Space for drainage rain water pipes and structure



A' —  
B' —

proposed ground floor  
scale 1:100 @ A3

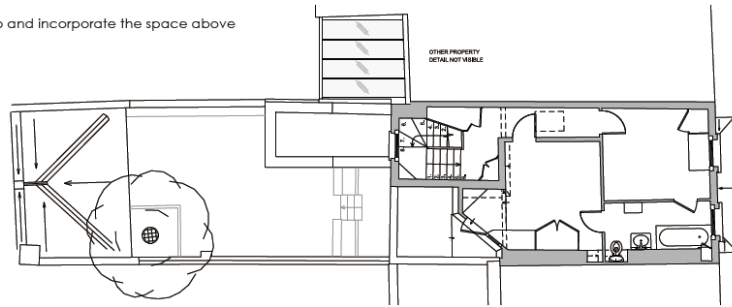


Existing and proposed ground floor



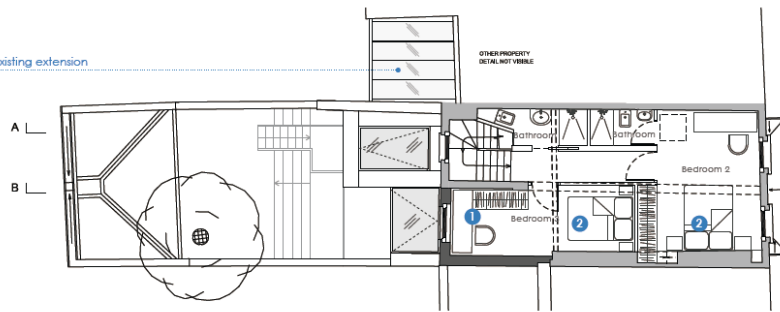
**6.3 EXISTING/PROPOSED PLANS**

1. New infill in the terrace
2. Ceiling to be opened up and incorporate the space above



existing third floor  
scale 1:100 @ A3

17 Montpelier Square existing extension



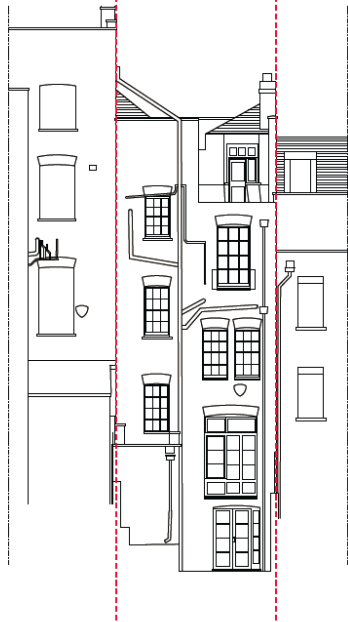
— A'—  
— B'—

proposed third floor  
scale 1:100 @ A3

Existing and proposed third floor

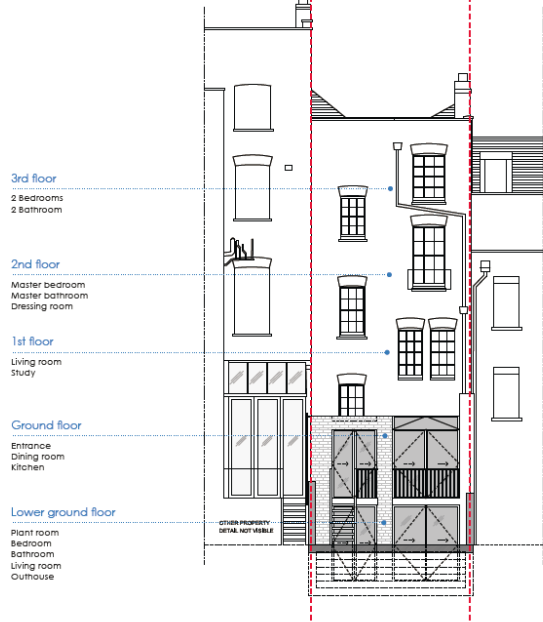
**6.6 PROPOSED ELEVATIONS**

Montpelier Square 17    Montpelier Square 17a    Sterling Street 6



existing rear elevation  
scale 1:100 @ A3

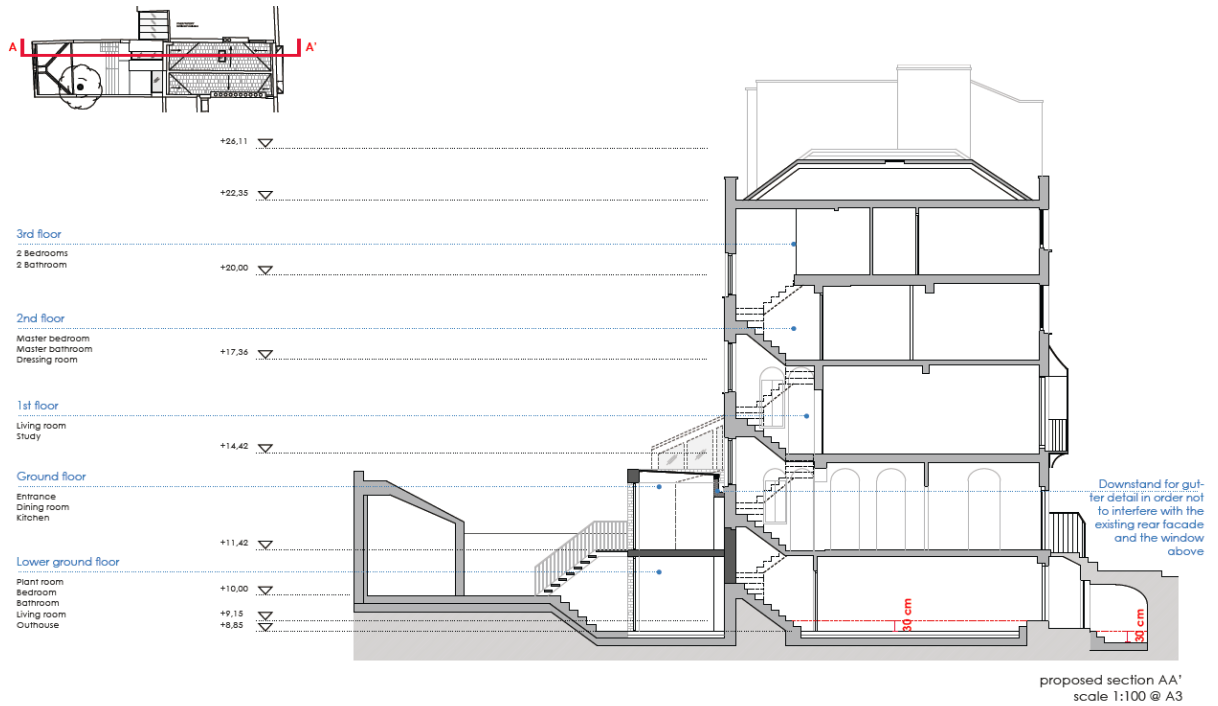
Montpelier Square 17    Montpelier Square 17a    Sterling Street 6



proposed rear elevation  
scale 1:100 @ A3

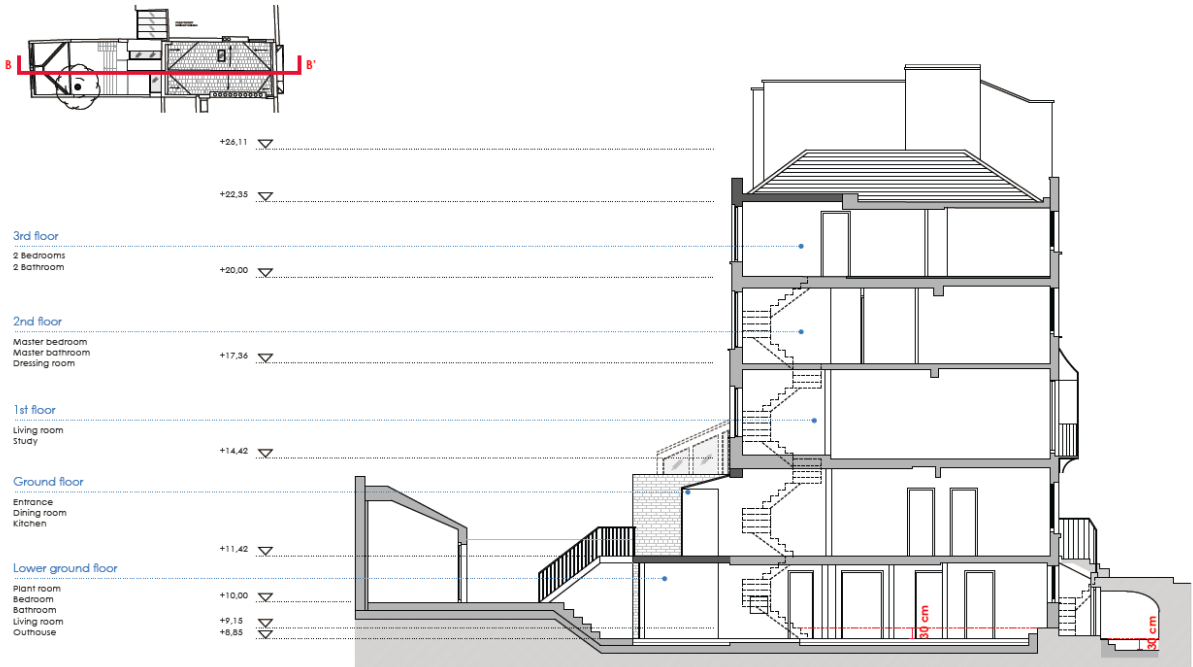
Existing and proposed rear elevation

6.4 PROPOSED SECTION AA'



Proposed section AA

6.5 PROPOSED SECTION BB'



proposed section BB'  
scale 1:100 @ A3

Proposed section BB

**DRAFT DECISION LETTER**

- Address:** 17A Montpelier Square, London, SW7 1JR
- Proposal:** Erection of an extension at rear lower ground and ground floor level and single storey extension at rear third floor level. Internal alterations, including the lowering of the lower ground floor and pavement vaults by 0.3m.
- Reference:** 15/11088/FULL
- Plan Nos:** Location and site plan, Existing Sections, Existing Elevation, Site photographs and Proposed plans Rev. 2 - General layout, Concept Design, Existing and proposed lower ground, ground, first, second, third and roof plan, Proposed Section AA and Proposed Section BB, Proposed Elevations., , Information purposes only: Design and Access Statement and Extension 3D View.

**Case Officer:** Zulekha Hosenally

**Direct Tel. No.** 020 7641 2511

**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 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and,
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished

appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: the redesign of the solid/ replacement section of the rear extension. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB) (see informative 2).

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must apply to us for approval of detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows;
- ii) Doors;
- iii) Roof lights; and
- iv) Railings.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture,

face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

#### **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 Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, 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 In relation to Condition 4 you are advised that the design of the solid/ replacement section of the extension is considered harmful to the character of the building and conservation area. As such this part of the development should be redesigned to remove the proposed garden access stair and to replace the ground floor double doors with a simple window that accords with the fenestration above.
- 3 In relation to the proposed lowering of the lower ground floor and basement vaults you must obtain permission from the Highways Licensing Team. For more advice, please phone 020 7641 2560.

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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.



**DRAFT DECISION LETTER**

- Address:** 17A Montpelier Square, London, SW7 1JR
- Proposal:** Erection of an extension at rear lower ground and ground floor level and single storey extension at rear third floor level. Installation of stairs connecting the rear extension to garden. Internal alterations, including the lowering of the lower ground floor and pavement vaults by 0.3m.
- Reference:** 15/11089/LBC
- Plan Nos:** Location and site plan, Existing Sections, Existing Elevation, Site photographs and Proposed plans Rev. 2 - General layout, Concept Design, Existing and proposed lower ground, ground, first, second, third and roof plan, Proposed Section AA and Proposed Section BB, Proposed Elevations.

Information purposes only: Design and Access Statement and Extension 3D View.

**Case Officer:** Zulekha Hosenally **Direct Tel. No.** 020 7641 2511

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme the redesign of the solid/ replacement section of the rear extension. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB) (see informative 2).

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows;
- ii) Doors;
- iii) Roof lights; and
- iv) Railings.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1

of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 In relation to Condition 3 you are advised that the design of the solid/ replacement section of the extension is considered harmful to the character of the building and conservation area. As such this part of the development should be redesigned to remove the proposed garden access stair and to replace the ground floor double doors with a simple window that accords with the fenestration above.

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# Agenda Item 7

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| Item No. |
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|--|---|--|---------------|
| <b>CITY OF WESTMINSTER</b>               |   |  |               |
| <b>PLANNING APPLICATIONS COMMITTEE</b>   | <b>Date</b><br>9 August 2016  | <b>Classification</b><br>For General Release |               |
| <b>Report of</b><br>Director of Planning |   | <b>Ward(s) involved</b><br>Warwick           |               |
| <b>Subject of Report</b>                 | 1 Guildhouse Street, London, SW1V 1JE,  |  |               |
| <b>Proposal</b>                          | Erection of part-single part-two storey rear extension, to provide additional residential accommodation (Class C3). Installation of rooflight to main building. Installation of replacement rooflight to front lightwell. Replacement of existing windows to the main building, including enlarged lower ground floor opening to the rear. Installation of replacement air-conditioning unit at ground floor level. |  |               |
| <b>Agent</b>                             | emeda Architecture Studio   |  |               |
| <b>On behalf of</b>                      | Mrs Elisabetta Meda   |  |               |
| <b>Registered Number</b>                 | 16/01290/FULL   | <b>Date amended/ completed</b>               | 20 April 2016 |
| <b>Date Application Received</b>         | 13 February 2016  |  |               |
| <b>Historic Building Grade</b>           | Unlisted  |  |               |
| <b>Conservation Area</b>                 | Pimlico   |  |               |

## 1. RECOMMENDATION

|                               |
|-------------------------------|
| Grant conditional permission. |
|-------------------------------|

## 2. SUMMARY

1 Guildhouse Street is an unlisted building located in the Pimlico Conservation Area. The lawful use of the property is as a single family dwellinghouse (Class C3). From 2011 to mid-June 2016 the property was used unlawfully as a House in Multiple Occupation for eight persons (Sui Generis).

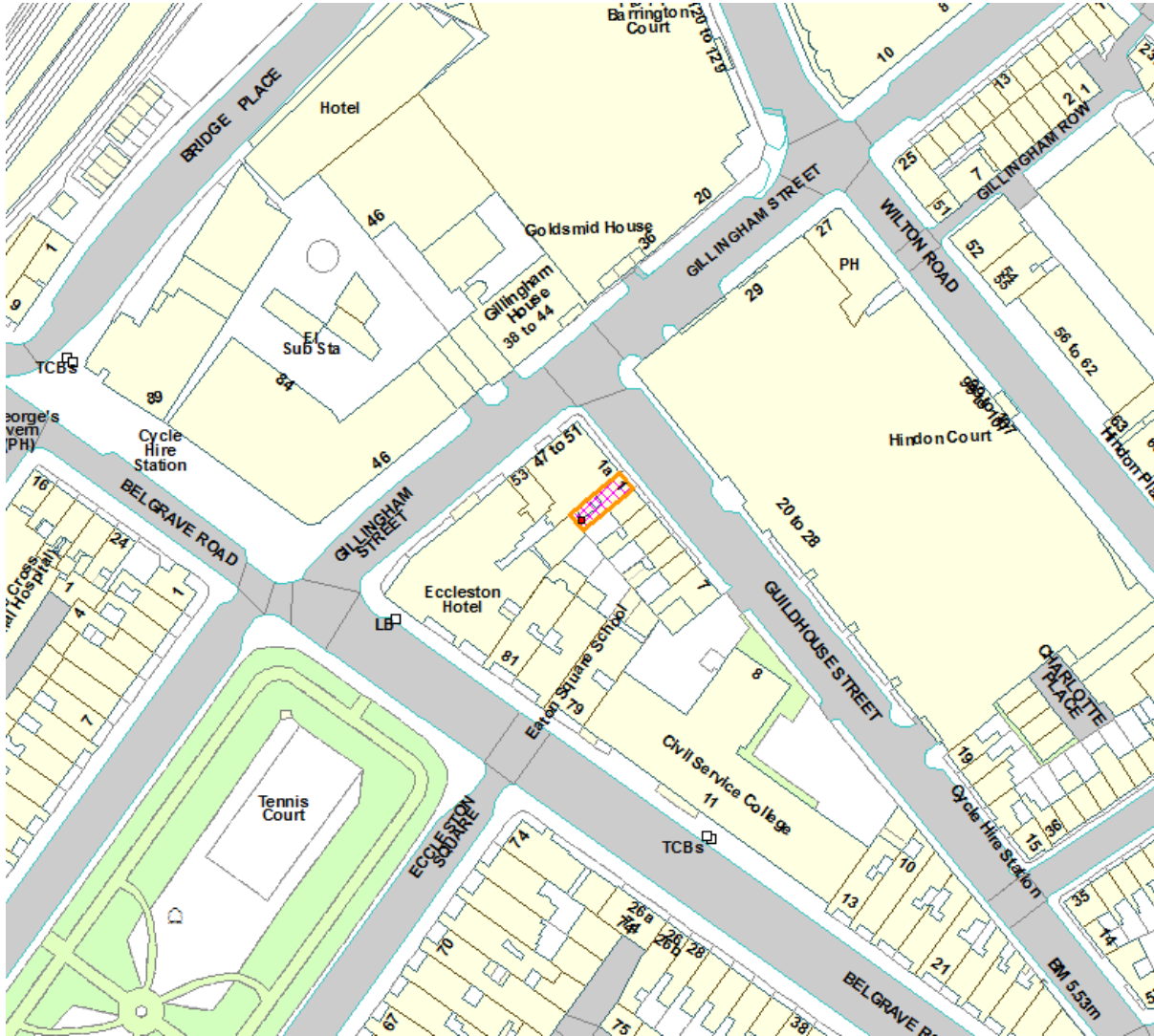
Planning permission is sought for the replacement of the rear conservatory extension with a new part-single part-two storey rear extension to provide additional residential accommodation; the replacement of existing windows to the main building, including enlarged lower ground floor opening to the rear; the installation of a rooflight to the main building; the installation of a replacement rooflight to the front lightwell; and the installation of a replacement air-conditioning unit at ground floor level. The alterations and extensions are all in connection with the use of the property as a single family dwellinghouse (Class C3).

The main issues for consideration are:

- The impact of the proposals on the character and appearance of the building and the conservation area; and
- The impact of the proposals on the amenity of neighbouring residents.

The proposal is considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation





View of existing rear extension

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

No objection.

### THORNEY ISLAND SOCIETY

No comment.

### ENVIRONMENTAL HEALTH (Plant and Equipment):

No objection, subject to conditions.

### ENVIRONMENTAL HEALTH (Use):

No objection. Westminster City Council has prosecuted the company which has been managing the property for failing to licence it as a House in Multiple Occupation.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 21

Total No. of replies: 6

No. of objections: 5

No. in support: 1

Objections from neighbouring residents on some or all of the following grounds:

#### Inaccurate drawings:

- The original drawings submitted are inaccurate with regards to the roof of the main building. The existing drawings show the building has a flat roof but it actually has a pitched roof.  
(N.B. the drawings were revised to correct this error. It is not proposed to alter the existing pitched roof with the exception of a new rooflight.)

#### Amenity:

- If the existing pitched roof of the main building was replaced with a flat roof with access through a rooflight, the roof could be used as a terrace which would harm the amenity of neighbours.
- Noise and disturbance from mechanical plant.

#### Security:

- If the existing pitched roof of the main building was replaced with a flat roof, this could pose a security risk to neighbours.

#### Other:

- The development could harm a party wall.
- Noise and disturbance from building works;
- The property is under investigation as an un-licensed HMO.

The supporter of the application is mostly happy with the proposals, but draws attention to the inaccurate drawings originally submitted.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

1 Guildhouse Street is an end of terrace single family dwellinghouse, which comprises of basement, ground, first and mansard floor levels. The entire rear garden has been infilled with a conservatory extension.

The property is not listed but is located in the Pimlico Conservation Area and forms part of a wider terrace of six comparable properties. The property backs onto the Premier Inn Hotel, 82 – 83 Eccelston Square, and is flanked on one side by Sovereign Court, 51 Gillingham Street.

### **6.2 Relevant Planning History**

On 26 September 1989 permission was granted for alterations including a mansard roof and rear extension within existing boundary walls, including conservatory at ground floor for use as a single family dwelling.

## **7. THE PROPOSAL**

Planning permission is sought for the replacement of the rear conservatory extension with a new part-single part-two storey rear extension to provide additional residential accommodation; the replacement of existing windows to the main building, including enlarged lower ground floor opening to the rear; the installation of a rooflight to the main building; the installation of a replacement rooflight to the front lightwell; and the installation of a replacement air-conditioning unit at ground floor level. The alterations and extensions are all in connection with the use of the property as a single family dwelling house (Class C3).

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The lawful use of the property is as a single family dwelling house (Class C3). However, from 2011 to mid-June 2016 the property has been used unlawfully as a House in Multiple Occupation for eight persons (Sui Generis). Westminster City Council has prosecuted the company which has been managing the property for failing to licence it as a House in Multiple Occupation.

In these circumstances the application, which would allow for the enlargement of the lawful single family dwelling house, does not raise any land use issues.

### **8.2 Townscape and Design**

An existing ground floor conservatory extension covers the entire rear garden, with the exception of a small courtyard. The proposed part-single part-two storey rear extension would cover a similar footprint as the existing and would align with the height of the neighbour's existing two-storey extension at 2 Guildhouse Street. The existing extensions

at 1 and 2 Guildhouse Street are unusual in their scale. However the additional height and bulk proposed here would have a modest impact because the rear is already enclosed by high neighbouring boundary walls on all sides. As such, the rear extension would not be highly visible. In these circumstances, the extension is considered acceptable in design and conservation terms.

The proposed new and replacement windows, doors and rooflights are also considered acceptable in design and conservation terms. The location of the external plant would be discreet and would not harm the visual appearance of the host property or the character and appearance of the conservation area.

### 8.3 Residential Amenity

Objections have been received regarding the possible formation of a new flat roof to the main building and the creation of a roof terrace which would harm the amenity of neighbours, particularly those living in Sovereign Court, 51 Gillingham Street.

The originally submitted drawings were inaccurate as they showed a flat roof to the main building on both the existing and proposed. The existing roof is pitched and the proposal would not alter this. Revised drawings have been submitted to clarify that it is not proposed to alter the existing pitched roof with the exception of a new rooflight.

A condition is recommended to prevent the use of the extension or main roof from being use as a terrace

In respect of the part-single part-two storey rear extension, it is not considered to be of a scale that would harm the amenity of neighbours in terms of light or outlook. The rear of the site is already enclosed by high neighbouring boundary walls on all sides. Directly, to the rear the property is enclosed by the large blank wall of the Premier Inn, 82 – 83 Eccelston Square.

On one side, the extension would be two stories on the party boundary with 2 Guildhouse Street, which also has a two storey rear extension. The proposed extension here would not be visible from within the room in the adjacent extension, nor would it have a notable impact from rooms within the main building of 2 Guildhouse Street. The neighbours at 2 Guildhouse Street would be able to view the proposed extension from within the 'link' between their extension and the main building, but this 'link' is a corridor and is not a habitable space. Further, the 'link' between the proposed extension and the main building of 1 Guildhouse Street has been designed to reflect that existing at 2 Guildhouse Street. In these circumstances, it is not considered there would be any harm to the amenity of the occupiers of 2 Guildhouse Street.

On the other side, there is an existing window on the party boundary with Sovereign Court however this is not considered to be adversely affected. The part-single storey element of the extension would be adjacent this window, however the replacement extension is largely comparable to the existing in terms of scale and massing. The part-two storey element would also be set on the other side away from the boundary with Sovereign Court. Furthermore, the window to Sovereign court is not a residential window and is obscure glazed. The residential occupiers of Sovereign Court would not be harmed by the extension in terms of light, outlook or privacy.

Subject to the recommended conditions, the proposals would not harm the amenity of neighbouring occupiers and as such accord with Policies S29 of the City Plan and ENV13 of the UDP.

#### **8.4 Transportation/Parking**

The alteration and enlargement of this single family dwellinghouse does not raise any highways issues.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

There are no access issues arising from this proposal.

#### **8.7 Other UDP/Westminster Policy Considerations**

##### **Plant**

In terms of the impact of noise from the proposed plant at the rear, an acoustic report has been submitted as part of the application and this has been assessed by Environmental Health officers, who conclude that the proposed mechanical plant is capable of according with noise Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan.

The proposals are acceptable subject to conditions relating to plant noise and vibration. On this basis, it is not considered that the plant operation would adversely affect the amenity of neighbouring residents.

#### **8.8 London Plan**

This application raises no strategic issues.

#### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

#### **8.10 Planning Obligations**

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

#### **8.11 Environmental Impact Assessment**

The proposals are of insufficient scale to require an environmental assessment and any environmental impact issues have been covered in section 8.7 of this report.

## 8.12 Other Issues

### Party Wall

The Part Wall Act provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls and excavation near neighbouring buildings. The provisions of this Act are a matter for the building owner and adjoining owners to resolve.

### Construction Impact

Concerns have been raised by a neighbouring resident regarding noise and disturbance that could be generated by construction work. Noise and disturbance during construction is an unwelcome and well understood consequence of allowing new development. In a densely developed urban environment, it must be accepted that such disturbance will inevitably occur as a result of building works. The City Council cannot refuse permission to develop on the grounds that building work will be noisy and disruptive. As a local planning authority, we can impose a restriction on the working hours and encourage contractors to be a member of the Considerate Constructors Scheme.

## 9. BACKGROUND PAPERS

1. Application form.
2. Responses from Westminster Society dated 5 April 2016 and dated 3 May 2016.
3. Response from Thorney Island Society dated 12 April 2016.
4. Response from Environmental Health (Plant And Equipment) dated 26 April 2016
5. Response and email correspondence from Environmental Health (Use) dated 27 April 2016 and 3 June 2016.
6. Letter from occupier of Flat 5, Sovereign Court, 51 Gillingham Street dated 12 April 2016.
7. Letter and email correspondence from occupier (Director of the company that owns Sovereign Court) of Flat 4, Sovereign Court, 51 Gillingham Street dated 18 April 2016 and 17 May 2016).
8. Letter from occupier of Flat 9, Sovereign Court, 51 Gillingham Street dated 18 April 2016.
9. Letter from Malvern Estate Agents on behalf of occupiers of Flat 2, Sovereign Court, 51 Gillingham Street dated 18 April 2016.
10. Letter from occupier of Flat 6, Sovereign Court, 51 Gillingham Street dated 18 April 2016.

### Selected relevant drawings

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

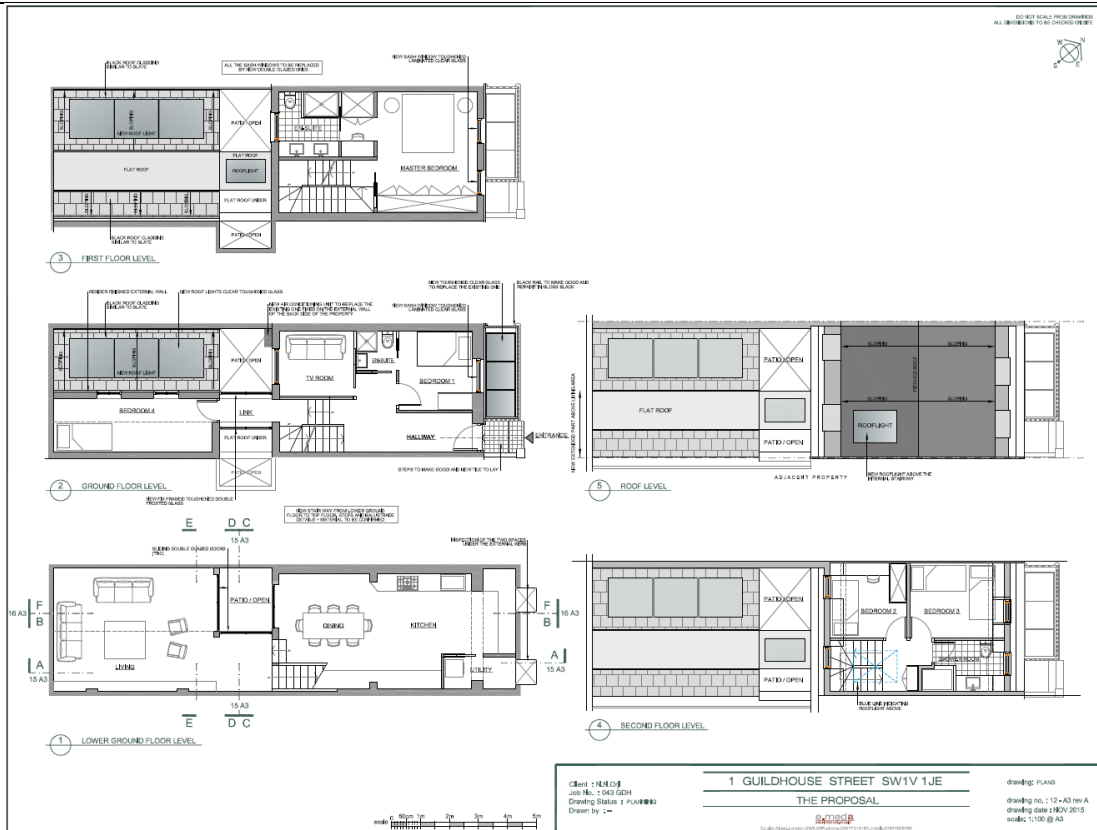
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT [ddorward@westminster.gov.uk](mailto:ddorward@westminster.gov.uk)

### 10. KEY DRAWINGS

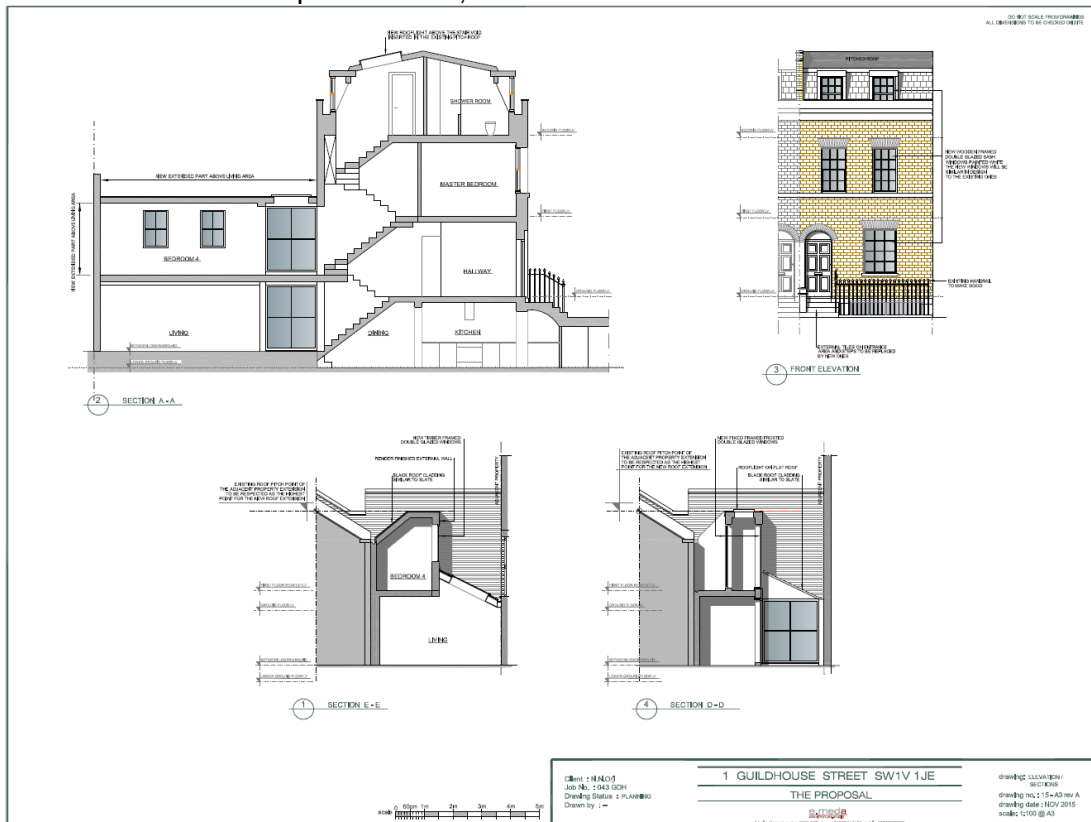


Existing Plans, Elevations and Sections

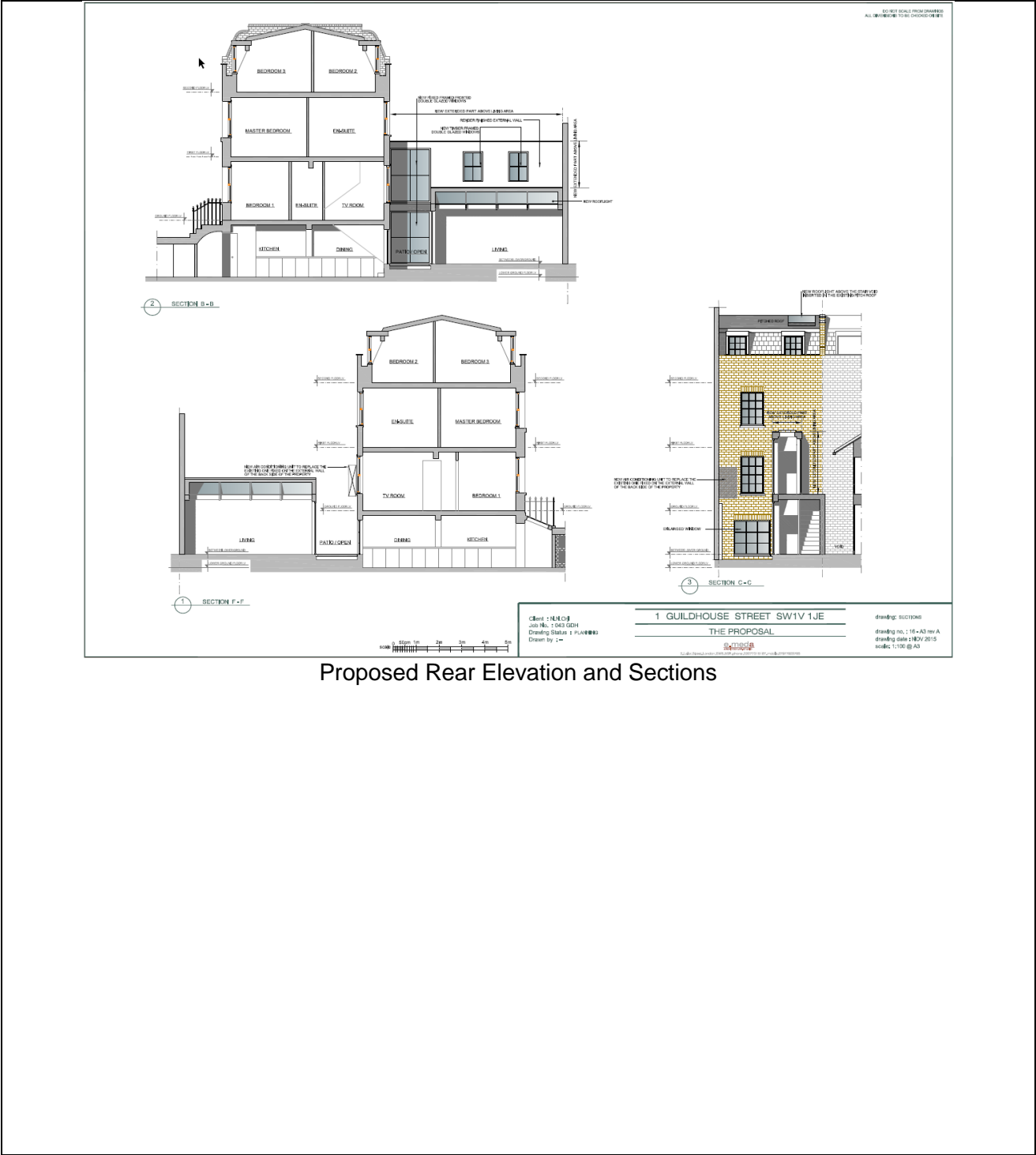




Proposed Plans, Front Elevation and Sections







Proposed Rear Elevation and Sections

**DRAFT DECISION LETTER**

**Address:** 1 Guildhouse Street, London, SW1V 1JE,

**Proposal:** Erection of part-single part-two storey rear extension. Installation of rooflight to main building. Installation of replacement rooflight to front lightwell. Replacement of existing windows to the main building, including enlarged lower ground floor opening to the rear. Installation of replacement air-conditioning unit at ground floor level.

**Reference:** 16/01290/FULL

**Plan Nos:** Location Plan, Site Plan, 0A-A4 rev:A, 0B-A3 rev:A, 02-A3 rev:A, 05-A3 rev:A, 12-A3 rev:A, 15-A3 rev:A, 16-A3 rev:A, Design and Access Statement (e.medea Architecture Studio), Acoustic Assessment Report (PC Environmental Ltd), Tenancy Agreement 2006, Tenancy Agreement 2009.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**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 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must not use the roofs of the main building or extension for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 5 (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 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 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 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 L A90, 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 6 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 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

#### **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 Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, 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 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, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 3 Conditions 5 and 6 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)
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 5 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, perhaps by issuing regular bulletins about site progress.
- 6 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
- Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).
- It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 7 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 8 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM<sub>s</sub>). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM<sub>s</sub>, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)
- 9 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 10 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 11 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste

produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).

- 12 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
[www.westminster.gov.uk](http://www.westminster.gov.uk)  
Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel: 020 7641 3003 Fax: 020 7641 8504.

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.

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