



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (4)

Meeting Date:

Tuesday 15th August, 2017

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Angela Harvey (Chairman)
Louise Hyams
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 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
Corporate Website: 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

- | | |
|---------------------------------------------------------------------|-------------------------|
| 1. PITCH 1794, JAMES STREET, COVENT GARDEN, LONDON, WC2E 8PA | (Pages 3 - 14) |
| 2. 5 MAIDA AVENUE, LONDON, W2 1TF | (Pages 15 - 32) |
| 3. FLAT 2, 52 SOUTH MOLTON STREET, LONDON, W1K 5SE | (Pages 33 - 54) |
| 4. 59 GREEK STREET, LONDON, W1D 3DZ | (Pages 55 - 74) |
| 5. 113 FIFTH AVENUE, LONDON, W10 4DR | (Pages 75 - 90) |
| 6. 28 SHIRLAND MEWS, LONDON, W9 3DY | (Pages 91 - 102) |

Charlie Parker
Chief Executive
7 August 2017

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 15th August 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/03684/FULL	Pitch 1794 James Street Covent Garden London WC2E 8PA	Erection of a semi-permanent, free-standing A1 retail kiosk (measuring 3 m length x 1.8m width x 2.85 m height) on the public highway.	
	St James's	Recommendation Refuse permission - design and highways.		
2.	RN(s) : 17/03537/FULL	5 Maida Avenue London W2 1TF	Excavate part of rear garden to extend lower ground floor to erect a single storey rear infill extension at lower ground floor level and erection of a two storey glazed staircase enclosure at lower ground and ground floor level.	
	Little Venice	Recommendation Grant conditional permission		
3.	RN(s) : 17/03519/FULL	Flat 2 52 South Molton Street London W1K 5SE	Extension to existing terrace at first floor level and erection of second and third floor roof extension to provide additional residential accommodation to an existing first floor flat, with second and third floor terraces.	
	West End	Recommendation Grant conditional permission		
4.	RN(s) : 17/04475/FULL	59 Greek Street London W1D 3DZ	Use of part basement and part ground floor as a restaurant (Class A3), creation of new shopfront and replacement of extract plant on rear elevation and at roof level.	
	West End	Recommendation Grant conditional permission		

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 15th August 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 17/02978/FULL 17/02979/LBC	113 Fifth Avenue London W10 4DR	Erection of a single storey side infill extension.	
	Queen's Park	Recommendation Subject to no new issues being raised when the consultation period on the proposal under Certificate B formally expires on 22 August 2017, resolve to grant conditional permission and listed building consent.		
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 17/03252/FULL	28 Shirland Mews London W9 3DY	Erection of a rear dormer extension at roof level to rear roof slope and installation of a rooflight to the front roof slope to enlarge existing dwellinghouse (retrospective application).	
	Harrow Road	Recommendation Grant conditional permission.		

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Pitch 1794 , James Street, Covent Garden, London, WC2E 8PA		
Proposal	Erection of a semi-permanent, free-standing A1 retail kiosk measuring 3m x 1.8m x 2.85m (height) on the public highway.		
Agent	Mr Paul Manning		
On behalf of	Mr Beattie		
Registered Number	17/03684/FULL	Date amended/ completed	10 May 2017
Date Application Received	28 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Refuse planning permission – design and highways.

2. SUMMARY

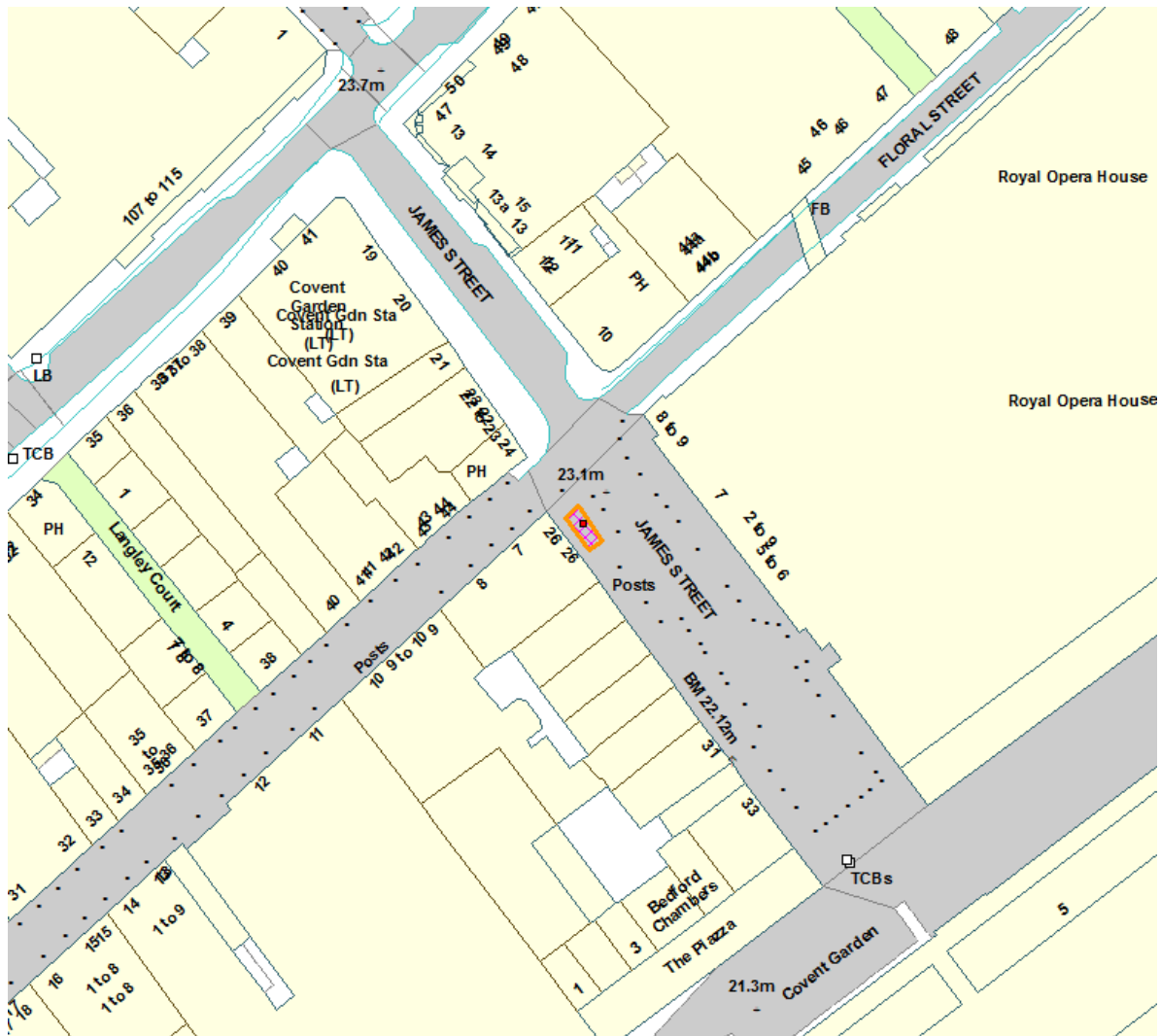
The application relates to an area of the public highway outside No. 26 James Street. The applicant has held a licence for a street trading pitch in this location since 1989. A temporary kiosk operates between 07.00 and 19.00 daily and is removed when the applicant is not trading. Planning permission is sought to replace the existing licensed stall with a kiosk which would be permanently located on the site.

The key issues in this case are:

- The impact of the proposals upon the character and appearance of the Covent Garden Conservation Area and the setting of adjacent listed buildings.
- The impact of the proposals on pedestrian movement and safety.

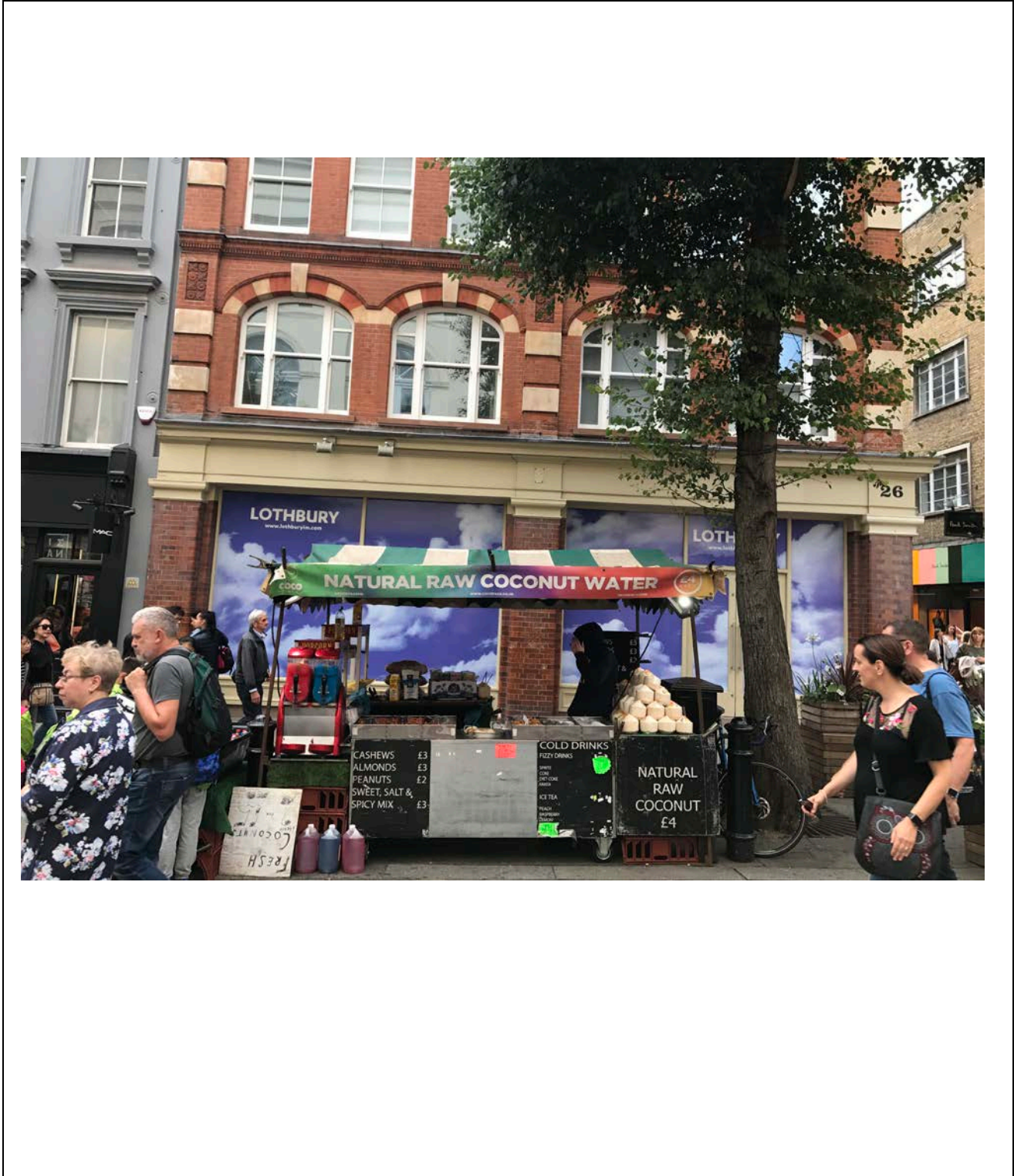
It is considered that the proposed kiosk would adversely affect both the setting of the adjacent listed buildings on James Street and Covent Garden Market and the character and appearance of the Covent Garden Conservation Area and would be detrimental to pedestrian movement and safety. It is therefore recommended that planning permission be refused on design, conservation and highway grounds.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION

Raise an objection to a semi-permanent retail kiosk at this prominent location in the Covent Garden Conservation Area on the grounds of visual clutter; health and safety due to obstructing the flow of pedestrian traffic; and the impact on the character of the conservation area and adjacent listed buildings.

COVENT GARDEN AREA TRUST

Raise an objection on the grounds that the kiosk will have a detrimental impact on the special character of the Covent Garden Conservation Area and the setting of important Listed Buildings. The proposed kiosk is of a standardised design and of inappropriate materials which do not relate to the character or function of James Street or the wider conservation area and will be detrimental to important vistas down James Street. There are no examples of such kiosks in the Covent Garden area. A kiosk will have a much greater impact on the character of the townscape than an open stall which can be removed overnight. Reference to the kiosk being 'a semi-permanent' structure' is misleading. James Street is a very busy pedestrian route and the kiosk will impede pedestrian movement and reduce the free passage and safety of pedestrians.

HIGHWAYS PLANNING MANAGER

The proposed position of the kiosk is likely to adversely impact upon the safety of highway users and their directness of movement

CLEANSING

There are existing public waste and recycling composite bins at the location of the proposed kiosk.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5

No. of objections: 0

PRESS ADVERTISEMENT/SITE NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to a part of the public highway outside No. 26 James Street, on the western footway, just south of Floral Street. A temporary kiosk has been located on the site since 1989, operating between the hours of 07.00 and 19.00 daily.

The site is located in the Covent Garden Conservation Area and in the Core Central Activities Zone (CAZ).

6.2 Recent Relevant History

Planning permission was refused for the erection of a heritage kiosk on 26 February 2002,

25 February 2004 and 8 August 2005.

All three applications were refused for the following reasons:

1. The kiosk would constitute an inappropriate obstruction preventing the free flow of pedestrians on James Street which would be detrimental to pedestrian movement and safety.
2. The proposed permanent street trading kiosk by reason of height, build and visual clutter would adversely affect the setting of the adjacent listed buildings on James Street and Covent Garden Market, and harm the character and appearance of the Covent Garden Conservation Area.

7. THE PROPOSAL

Planning permission is sought to replace the existing licensed temporary stall with a kiosk which would be permanently located on the site. The applicant describes this as semi-permanent kiosk as it would be free standing with its base fixed to the ground. The kiosk would have an iron frame with metal panels in a corten colour, with openable glass windows. It measures 3m x 1.8m x 2.85 (height) with two sliding canopies on either side extending some 0.4m over the public highway at a height of 2.6m.

The applicant has held a licence for a street trading pitch in this location since 1989. A temporary stall operates on the site between 07.00 and 19.00 daily and is removed outside of these times. The applicant is seeking to erect a semi-permanent structure so that he does not have to transport, erect and dismantle the stall each day and would be willing to accept a temporary permission for a period of 5 years.

8. DETAILED CONSIDERATIONS

8.1 Land Use

A temporary kiosk has been located on the site since at least 1989 and its replacement with a permanent kiosk is not considered to have any land use implications. Were permission to be considered favourably, hours of operation could be secured by condition.

8.2 Townscape and Design

The site is located within the Covent Garden Conservation Area and in the vicinity of several listed buildings, and appears in the long view down towards the grade II* Market Hall buildings. The proposed kiosk would form a significant intervention in the street scene due to its size, bulk and location within this sensitive part of the conservation area.

The kiosk is considered to cause clear and demonstrable harm to the character and appearance of this part of the Covent Garden Conservation Area and the setting of

adjoining listed buildings. The siting of the proposed kiosk will harm the sense of unobscured “openness” to the pedestrian environment within James Street and will appear as a bulky, inappropriate and incongruous feature.

The kiosk will harm the open aspect and sensitive views southwards of the central Market Hall, which is a key view within the Conservation Area, and would constitute a visual intrusion in one of the most sensitive townscapes in London. In this respect, the kiosk will harm the setting of the listed buildings along James Street and the listed Central Market Hall. Other than street furniture, such as bollards and litter bins, and mature trees there are no significant structures (other than the temporary kiosk) which intrude upon this view. The kiosk would appear as an isolated and incongruous element in the street scene. The design of the kiosk, within this sensitive setting, is considered inappropriate - appearing as a bulky and ostentatious structure clad in materials which are considered inappropriate in this part of the Conservation Area.

The proposal is therefore considered contrary to policies S25 and S28 of the Westminster City Plan (adopted November 2016) and DES 1, DES 7, DES 9 and DES 10 of the UDP and it is recommended that permission be refused on design grounds.

8.3 Residential Amenity (Sunlight/Daylight/Privacy)

The proposal will not give rise to any amenity implications with regards to sunlight, daylight or privacy.

8.4 Transportation/Parking

Policy TRANS3 of the UDP states that the City Council, in considering development proposals, will aim to secure an improved environment for pedestrians, with particular regard to their safety, ease, convenience and directness of movement. Policy SS16 relates to pavement shops and states that permission will not be given for pavement shops where they will reduce the free passage and safety of pedestrians or other highway users, or have a detriment effect on the townscape, residential amenity, character or appearance of the street.

Policy S41 of Westminster’s City Plan requires all developments to prioritise convenient and safe pedestrian movement through good design. The Westminster Way stipulates that a minimum of 2.0m clearance must be maintained on the public footway to ensure safe, free and convenient pedestrian movement. The proposal satisfies the 2m requirement.

James Street is a pedestrianised route which links Long Acre to Covent Garden Market. It is the main pedestrian thoroughfare from Covent Garden tube station to the Piazza. Consequently, it experiences extremely high levels of pedestrian movement throughout the day and late into the night.

Objections have been received from the Covent Garden Area Trust and Covent Garden Community Association on the grounds that a permanent kiosk will obstruct pedestrian movement and harm safety along this busy thoroughfare.

The Highways Planning Manager considers that the kiosk will adversely impact upon the safety of users and their directness of movement. It is considered, due to the exceptionally high level of pedestrian traffic in this area, that the retention of the pitch during the evening period, when the stall is not licensed to trade, would constitute an unnecessary obstruction to pedestrian movement and safety along the highway. It is therefore recommended that permission be refused on highways grounds.

8.5 Economic Considerations

No economic considerations are relevant to the proposed development.

8.6 Access

There are no issues relating to access resulting from the development.

8.7 Other UDP/Westminster Policy Considerations

There are no other UDP/Westminster policy considerations 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

Environmental Impact issues are not relevant.

8.12 Other Issues

There are no other relevant issues.

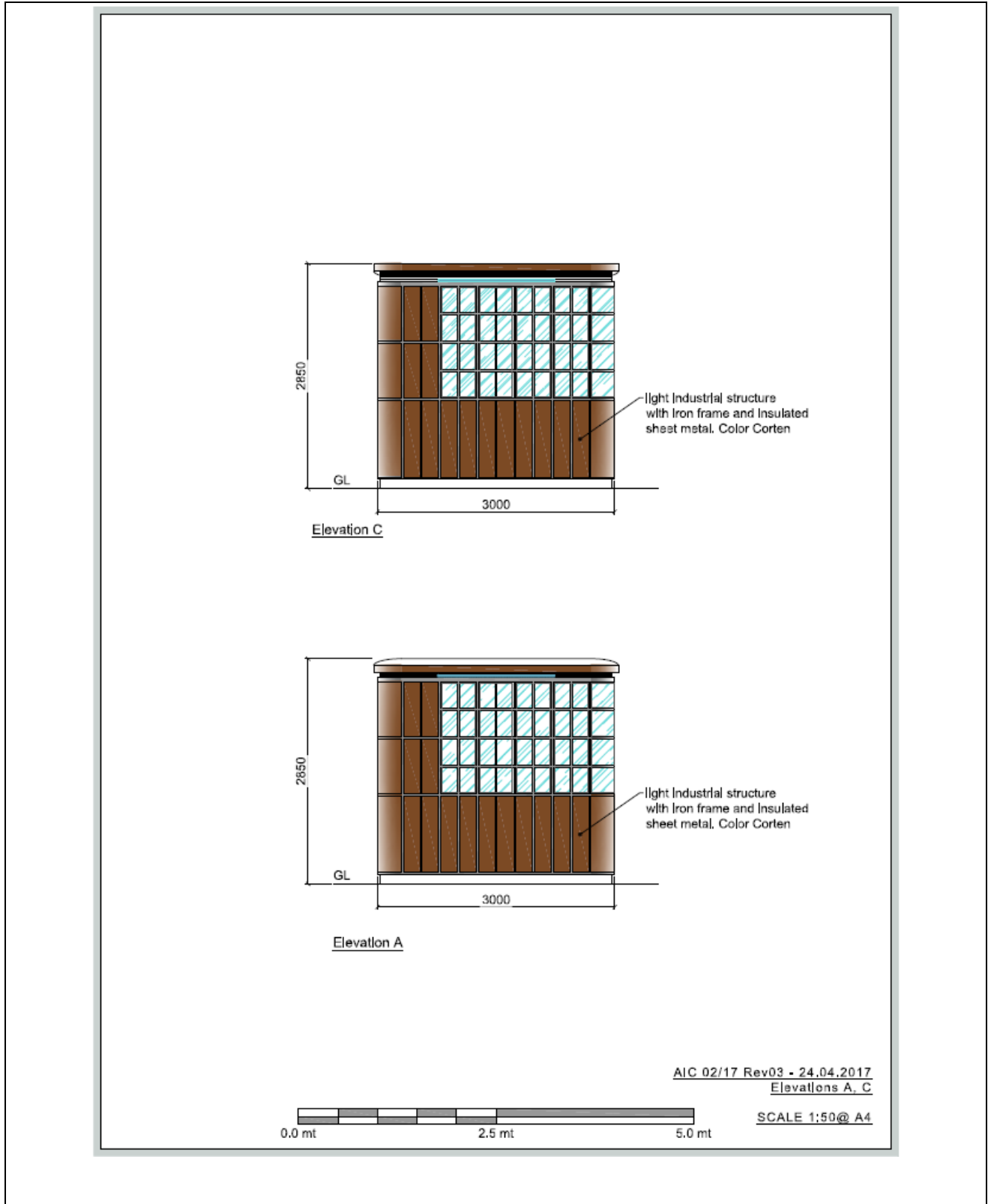
9 BACKGROUND PAPERS

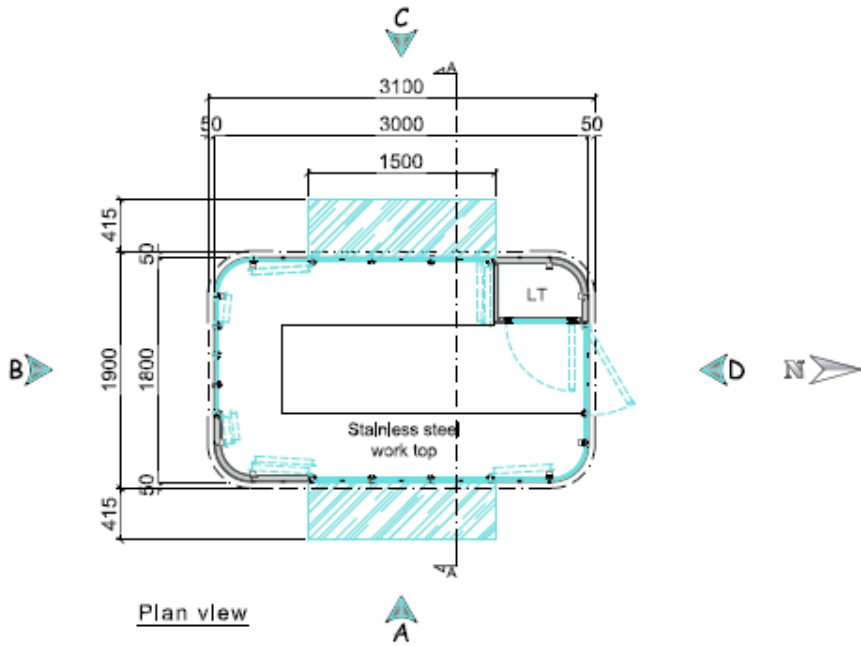
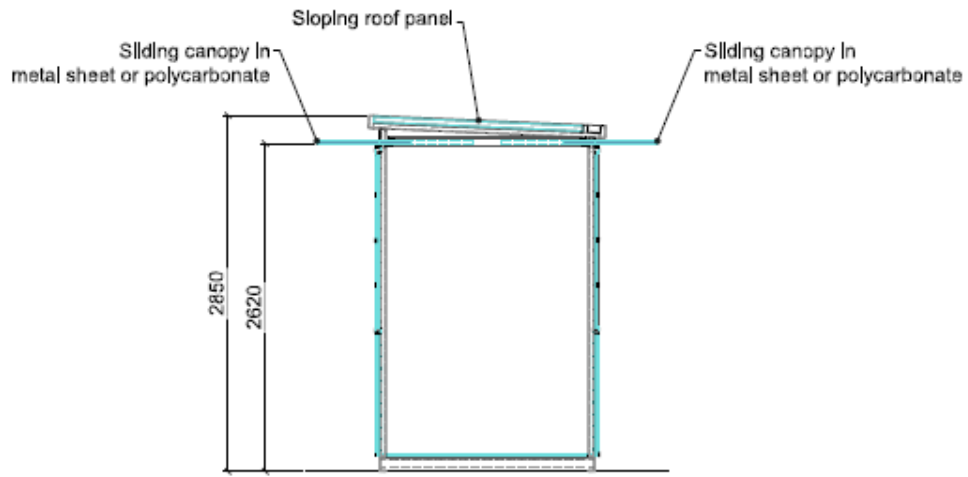
1. Application form
2. Response from Covent Garden Community Association dated 1 June 2017
3. Response from Covent Garden Area Trust dated 9 June 2017
4. Highways Planning Memorandum dated 26 June 2017
5. Cleansing memorandum dated 23 May 2017

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

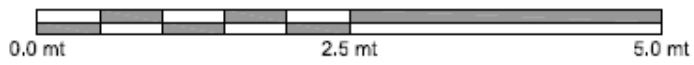
HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JUILA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

10 KEY DRAWINGS





AIC 02/17 Rev03 - 24.04.2017
 Section A-A - Plan view



SCALE 1:50@ A4

DRAFT DECISION LETTER

Address: Pitch 1794 , James Street, Covent Garden, London, WC2E 8PA

Proposal: Erection of a semi-permanent, free-standing A1 retail kiosk measuring 3m x 1.8m x 2.85m (height) on the public highway.

Reference: 17/03684/FULL

Plan Nos: AIC 02-17 - REV 3 – 24.04.2017

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

Recommended Condition(s) and Reason(s)**Reason:**

It is considered that the proposed kiosk by reason of its bulk, detailed design, and materials would result in visual clutter and adversely affect the setting of the adjacent listed buildings on James Street and Covent Garden Market and the character and appearance of the Covent Garden Conservation Area. As such the proposal is contrary to the policies of the City Council as set out in paragraph S25 and S28 of our City Plan (adopted November 2016) and SS16, DES 1, DES 7, DES 9 and DES 10 of the City of Westminster Unitary Development Plan (adopted January 2007). It would also not comply with para 134 of the National Planning Policy Framework as the public benefits arising from the proposal are not considered to outweigh the less than substantial harm that it causes to heritage assets.

Reason:

The proposed permanent siting of a street trading kiosk would constitute an inappropriate obstruction preventing the free flow of pedestrians on James Street which would be detrimental to pedestrian movement and safety. As such, it is contrary to the policy of the City Council as set out in SS16 and TRANS3 of our Unitary Development Plan and S41 of our City Plan (adopted November 2016).

Informatives:

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Item No.
1

Please note: the full text for informative 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.

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	5 Maida Avenue, London, W2 1TF		
Proposal	Excavate part of rear garden to extend lower ground floor and erect a single storey rear infill extension at lower ground floor level and erection of a two storey glazed staircase enclosure at lower ground and ground floor level.		
Agent	Mr Barnaby Gunning		
On behalf of	Mr & Mrs Simon Walker		
Registered Number	17/03537/FULL	Date amended/ completed	2 May 2017
Date Application Received	25 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is a three storey mid terrace residential dwellinghouse located on the southern side of Maida Avenue. It is not listed or subject to any article 4 directions but is located within the Maida Vale Conservation Area.

Planning permission is sought for the excavation of part of the rear garden to extend the lower ground floor and the erection of a single storey rear extension at lower ground floor level and the erection of a two storey glazed staircase enclosure between lower ground floor and ground floor level.

A previous application for a similar scheme but including a larger extension to the closet wing was refused by the Planning Applications Committee on 16 January 2017 on the grounds that the two storey rear extension would, because of its bulk and height and how close it is to windows of Flat 3A Douglas House, make the people living feel too shut in.

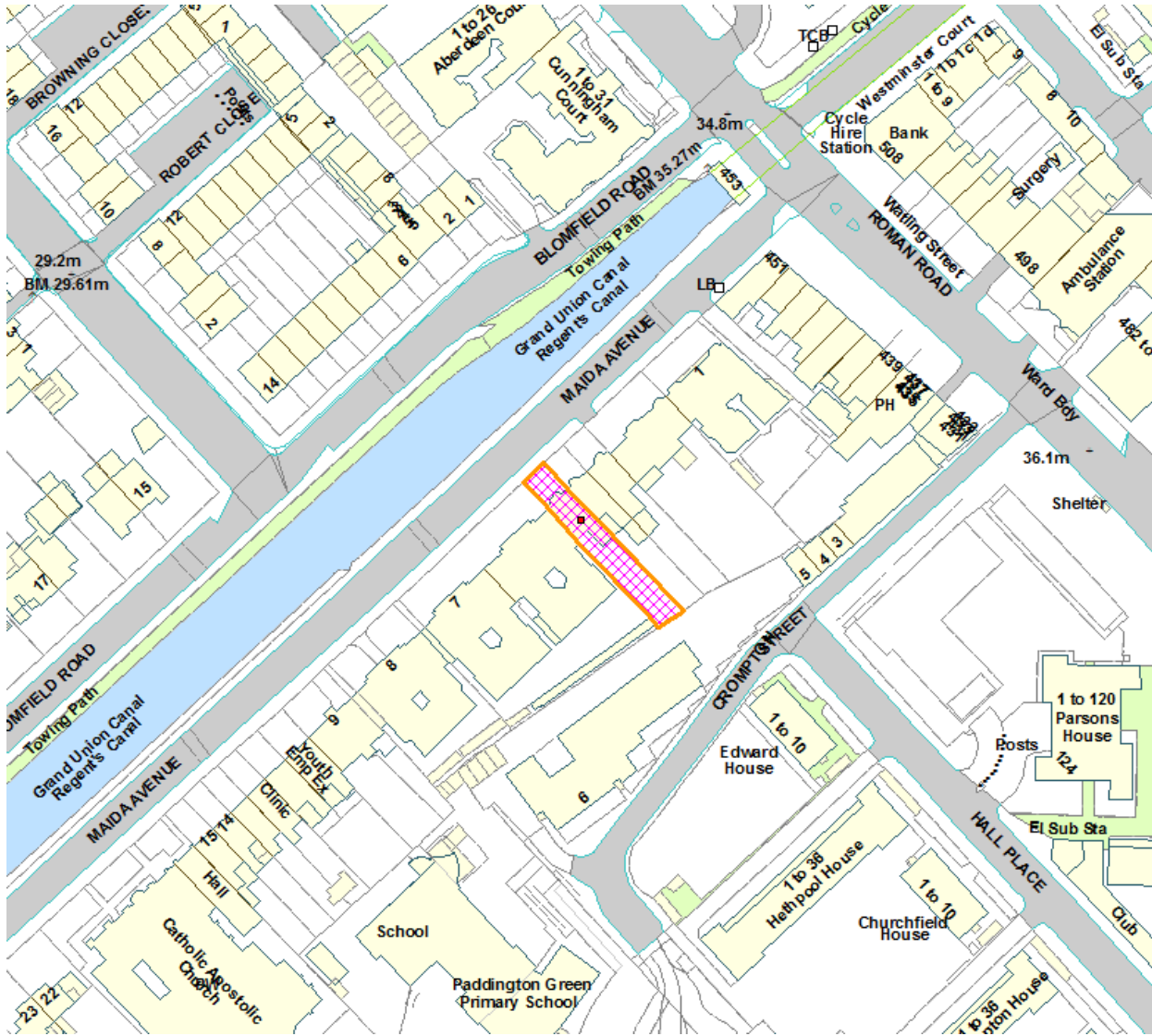
Objections have been received from 10 neighbours to the proposal on design amenity and structural disturbance grounds.

The key issues in this case are:

- The impact of the proposal on the character and appearance of the Maida Vale Conservation Area.
- The impact of the proposal on the amenity of neighbouring residents.

For the reasons set out in this report, the proposed development is considered overcome the previous refusal and accords with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan: Strategic Policies adopted in November 2016 (the City Plan) . As such, it is recommended that planning permission is granted, subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Infill Extension Location



Rear of Existing Closet Wing



View of rear of 5 Maida Avenue from window in flat in Douglas House

5. CONSULTATIONS

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Objection on the grounds of light pollution to neighbouring properties and the ground floor level extension being harmful to the Conservation Area.

BUILDING CONTROL

Structural method statement is satisfactory. Advised on means of escape and fire separation requirements.

HIGHWAYS PLANNING MANAGER

No objection

ARBORICULTURAL SECTION

No objection subject to tree protection conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 66; Total No. of Replies: 11

10 objections received on the following grounds;

Design

- Any change will be out of keeping with the mansion blocks, the road and the wider area.
- Design and scale out of keeping with and not suitable in the conservation area.

Amenity

- Loss of privacy.
- Sense of enclosure/encroachment.
- Loss of light.
- Noise that would emanate from extension adjacent to Douglas House.
- Light pollution.

Other

- Impact on drainage, disturbance of watercourse and foundations of the neighbouring mansion block.
- Disruption of construction works.
- Concern only access for building work is via passageway to Aubrey House causing access issues for occupiers.

1 letter of support received

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a five storey mid terrace dwellinghouse located on the southern side of Maida Avenue. The building is not listed, but is located within the Maida Vale Conservation Area.

The property forms the south western end of a group of three similarly scaled and detailed Victorian building, which form part of a longer terrace of buildings of a variety of heights, forms and detailed design along the southern side of Maida Avenue, facing the Grand Union Canal. The neighbouring building to the south west of the application site is an Edwardian mansion block, Douglas House, which is taller and bulkier than the application property and its neighbours to the north east.

6.2 Recent Relevant History

16/09049/FULL

Planning permission was refused for the erection of a part single storey and part two storey rear extension at lower ground and ground floor levels on 31 January 2017. The application was refused on the grounds that the two storey rear extension would make the people living Flat 3A Douglas House feel too shut in. This was because of its bulk and height and how close it is to windows in that property.

7. THE PROPOSAL

Planning permission is sought for the excavation of part of the rear garden to extend the lower ground floor and erection of a single storey rear infill extension at lower ground floor level and erection of a two storey glazed staircase enclosure at lower ground and ground floor level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwellinghouse would accord with Policy H3 in the UDP and Policy S14 in the City Plan. Accordingly the proposal is acceptable in land use terms.

8.2 Townscape and Design

A number of objections have been received on the grounds of the design of the proposed extension and its impact on the character and appearance of the conservation area. A number of objectors also raise concerns that the development would alter the gap between the terrace and Douglas House and that the design is not in keeping with the host building and the wider conservation area.

The building forms part of a short terrace with front and rear gardens. The rear of the application site is surrounded by mature trees and vegetation. However, it is overlooked by the properties which form part of Douglas House to the west. The rear of 5 Maida Avenue comprises a 3-4 storey rear closet wing and the basement is largely obscured and contained within a rear lightwell between the closet wing and the neighbouring mansion block. The rear garden is located between lower ground and ground floor levels and is accessed via a short external staircase from the closet wing.

The ground and lower ground floor extension will project 2.4 metres from the rear face of the closet wing and be fully glazed on the rear and side elevations. The lower ground floor infill will only be appreciated by its obscure glazed flat roof and shallow rear elevation; the majority of the structure is contained within the garden level. The ground floor extension will be appreciated as a single storey addition due to its positioning on a half-landing. It will be fully obscure glazed on all elevations with a pitched roof.

UDP policy DES 5 seeks to ensure the highest standards of design in alterations and extensions. It specifically states that development should not visually dominate the existing building, be in scale with the existing building and its surroundings and reflect the style and detailing of the host building. Furthermore DES 9 seeks to preserve or enhance the character and appearance of Conservation Areas and states in Part (c) that alterations or extensions to unlisted buildings can, in locally appropriate situations, use modern or other atypical facing materials or innovative forms of building design.

The infill extension at lower ground floor level is not contentious in design terms and is considered to be in accordance with DES 5. Given the limited visibility of the rear of the building, especially at this level given the high boundary wall adjacent to Douglas House, its discreet location and the lightweight nature of the structure the impact on the character and appearance of the Conservation Area is considered to be limited. Furthermore due to its scale and positioning the extension is not considered to be visually dominant.

The ground floor extension is considered to be appropriate in terms of its form, scale and detailed design. The rear elevation and roof are proposed to be glazed and the side elevations are to be obscure glazed; the application form states the doors on the rear elevation will be metal framed, however the framing of the extension itself has not been specified and therefore details of this are requested by condition. Nevertheless, due to the slim nature of the frame and large amount of glazing the extension will appear as a lightweight addition which is clearly subordinate in scale and which does not compromise the dominance or strong solidity of the host building. The extension is therefore in accordance with UDP Policy DES 5.

The setting is considered to be appropriate for modern additions as that the detailed design of the extension allows for the interpretation of the original plan form of the building to remain, preserving the character and appearance of the host building; therefore being in accordance with DES 9. Furthermore its scale and materiality allows for it to appear as a subservient addition, which does not detract from the architectural character of the existing building.

The design and quality of the extensions are of a high standard. Given the simple design, subordinate scale and limited views private views from surrounding neighbouring buildings. In this particular circumstance, the proposal would not detrimentally impact on

the character and appearance of the Maida Vale Conservation Area and is considered acceptable in design terms.

Given the above, the proposed development would be consistent with policies S25 and S28 of the City Plan and policies DES 1, DES 5 and DES 9 of the UDP.

8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy S29 of the City Plan states that the council will resist proposals that result in an unacceptable material loss of residential amenity.

Sense of Enclosure

The previous application for rear extensions at the property (in January 2017) was refused on the grounds that the two storey rear extension would make the people living Flat 3A Douglas House feel too shut in. This was because of its bulk and height and how close it is to windows in that property.

The upper ground floor extension has been significantly reduced in height and bulk in the current application. Whereas the previous application projected 3.5 metres from the closet wing of the property, the proposal now under consideration projects 2.4 metres.

The impact is further reduced by the fact the extension now incorporates a pitched “lean to” roof, rather than a flat roof as previously refused. Although the highest part of the roof pitch is the same height at the refused scheme, the lowest part is some 0.75 metres lower.

It is considered that the current proposals impact in terms of sense of enclosure on the windows of flats in Douglas House and particularly those of Flat 3A is significantly reduced and is no longer sufficient to justify a ground for refusal.

Sunlight and Daylight

A number of objections to the proposal have been received from residents of Douglas House on the grounds of loss of daylight. There is a lightwell to Douglas House at the boundary with 5 Maida Avenue which drops down to basement/ lower ground floor level. The windows within this lightwell would be vulnerable to any significant increase in height at this boundary. However, the height of the boundary will remain as existing and whilst the infill extension proposed at lower ground floor level would be marginally higher than the boundary wall (by 10cm) it would be set back behind it such that this would not result in the loss of any daylight to the windows in Douglas House at basement/ lower ground floor level. The proposed extension at upper ground floor level projecting from the rear of the closet wing would be approximately 2.5 metres from the boundary with Douglas House

and at this distance the upper ground floor level extension would not cause a material loss of daylight to any of the flats in that property.

The upper ground floor extension abuts the boundary with No 4 Maida Avenue however it would only project 2.4 metres from the existing building and would only be 1 meter above the existing boundary height, at its highest point nearest to the building, sloping down to 0.25 meters at its lowest point as it projects from the building. There would therefore be no significant impact on the sunlight or daylight levels to that property.

In summary, the impact in terms of daylight and sunlight loss would not be so significant so as to warrant withholding permission and the proposals accord with Policy S29 in the City Plan and Policy ENV13 in the UDP.

Privacy

Objections have been received on the grounds of loss of privacy. The Design and Access Statement states that frosted glass is proposed for the roof of the lower ground floor infill extension and the side wall of the stair enclosure. It is recommended that a condition requiring obscure glazing on both side elevations of the stair enclosure and the roof of the infill extension is attached to any permission. Subject to such conditions there would be no unacceptable levels of overlooking from the proposed extensions.

Light Pollution

Objections have been received from the Paddington Waterways and Maida Vale Society and neighbours on the grounds of light pollution from the extensions. The windows to some of the flats in Douglas House face directly onto the rear of number 5 and it is considered that light spill from the side wall of the glazed staircase enclosure would have the potential to cause disturbance to those flats. It is therefore considered reasonable to attach a condition to any permission requiring that the side elevation of the stair enclosure facing Douglas House is opaque so as not to allow external light spill. Subject to this condition it is considered that neighbouring resident's amenity will not be detrimentally affected by light pollution from the proposal.

Noise

One objection received refers to the risk of noise emanating from the extension due to its close proximity to the boundary wall with Douglas House. There is no reason why the extensions position adjoining the boundary should result in any more noise disturbance than that which occurs between the existing house and Douglas House. The separation provided by its location adjacent to a lightwell, rather than the building itself, should in fact mean noise transference to flats in Douglas house would be significantly less than that that exists between the house and flats in Douglas House.

8.4 Transportation/Parking

The proposal does not raise any transportation or parking issues and the Highways Planning Manager does not raise objection to the application.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The application does not propose any changes to the existing means of access to this private dwellinghouse.

8.7 Other UDP/Westminster Policy Considerations

Structural/ground condition matters

The proposal involves some excavation works, which have attracted objection on structural impact grounds and raised concerns about the impact on drainage, disturbance of watercourse and the impact on the foundations of the neighbouring mansion block. However, Building Control have confirmed that the structural method statement is satisfactory and have raised no concerns about the ground conditions or flood risk/drainage. There are therefore no grounds to withhold permission on the basis of the structural impact of the proposals on neighbouring properties.

Basement excavation

In terms of the application of the basement policy, CM28.1 in the City Plan, the extensions proposed at lower ground floor level would not be below the existing ground floor level of the building (in this case the lower ground floor) and would not be fully below garden level. Therefore the basement policy is not applicable in this case as the proposal comprises an extension to the lower ground floor, which would involve some modest excavation within part of the rear garden and is not a fully subterranean addition wholly below the existing ground floor and garden level.

Trees

The City Council's Arboricultural Officer has assessed the proposal and has no objection, subject to a tree protection condition being imposed on any permission granted

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 application is of insufficient scale to be CIL liable.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment.

8.12 Other Issues

An objection has been received from a resident at Aubrey House, 7 Maida Avenue regarding the restriction to access to that property which would be caused by the proposed works. The submission makes no reference to using this property for access to the site and the applicants agent has confirmed that access to the rear of the property will be through the lower ground floor of the subject premises via Maida Avenue and that there is no intention to use 7 Maida Vale as a site access.

The City Council's Building Control officer has provided advice regarding providing adequate means of escape and fire separation. It is recommended that this information is included as an informative on the planning decision letter.

9. BACKGROUND PAPERS

1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 25 May 2017
3. Response from Building Control - Development Planning, dated 17 May 2017
4. Response from Highways Planning, dated 22 May 2017
5. Response from Arboricultural Officer, dated 12th June 2017
6. Letter from occupier of Flat 18A Aubrey House, 7 Maida Avenue, dated 23 May 2017
7. Letter from occupier of 4 Douglas house, 6 Maida Avenue, dated 31 May 2017
8. Letter from occupier of 3a Douglas House, 6 Maida Avenue, dated 31 May 2017
9. Letter from occupier of 3 Parklands Close, Barnet, dated 31 May 2017
10. Letter from occupier of 1A Douglas House, London, dated 31 May 2017
11. Letter from occupier of Flat 7a Douglas House, 6 Maida Avenue, dated 31 May 2017
12. Letter from occupier of 8 Stafford House, Maida Avenue, dated 31 May 2017
13. Letter from occupier of 10A Douglas House, 6 Maida Avenue, dated 31 May 2017
14. Letter from occupier of 9A Douglas House, 6 Maida Avenue, dated 31 May 2017
15. Letter from occupier of 5a Douglas House, 6 Maida Avenue, dated 1 June 2017
16. Letter from occupier of 4 Maida Avenue, London, dated 3 June 2017

(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: RICHARD LANGSTON BY EMAIL AT rlangston@westminster.gov.uk

10. KEY DRAWINGS

Existing Section AA

Existing Section CC

Existing Section DD

Existing Upper Ground Floor Plan

Existing Lower Ground Floor Plan

NOTES

1. To be used in conjunction with the following drawings:

- 101.01 - Site Plan
- 101.02 - Floor Plans
- 101.03 - Section AA
- 101.04 - Section CC
- 101.05 - Section DD
- 101.06 - Upper Ground Floor Plan
- 101.07 - Lower Ground Floor Plan

KEY

- Carriage
- Elevation
- Field elevation
- Excavated floor level

Scale: 1:50

Architect: Bamboo Consulting

101 London Rd, London W8R 3EQ, UK
+44 (0) 20 7372 24 24
bambooconsulting.com

Scale: 1:50

- 101.01 - Site Plan
- 101.02 - Floor Plans
- 101.03 - Section AA
- 101.04 - Section CC
- 101.05 - Section DD
- 101.06 - Upper Ground Floor Plan
- 101.07 - Lower Ground Floor Plan

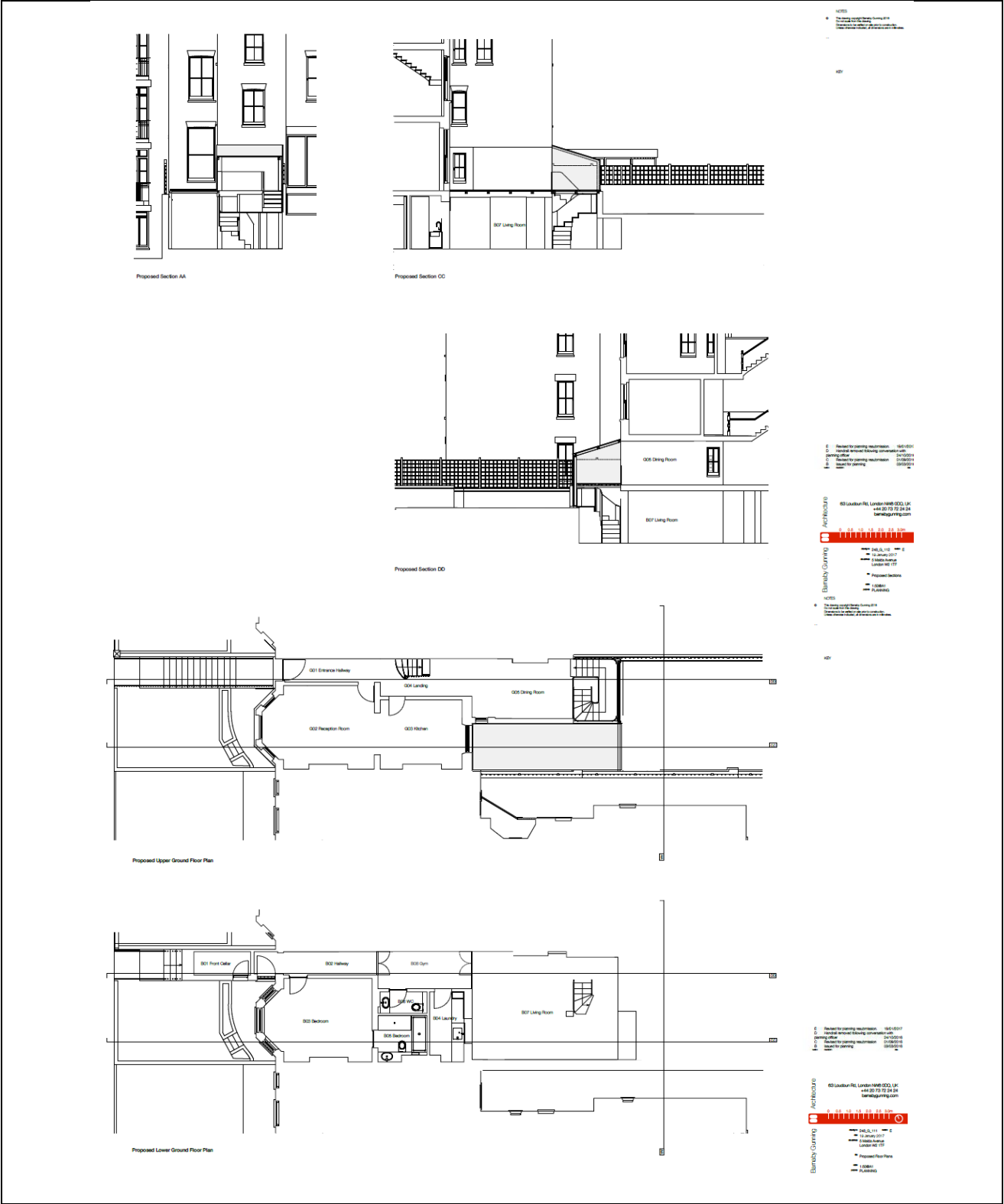
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Scale: 1:50

Architect: Bamboo Consulting

101 London Rd, London W8R 3EQ, UK
+44 (0) 20 7372 24 24
bambooconsulting.com



DRAFT DECISION LETTER

Address: 5 Maida Avenue, London, W2 1TF

Proposal: Excavate of rear garden to extend lower ground floor and erection of a single storey rear extensions at lower ground floor level and glazed staircase enclosure at ground floor level.

Reference: 17/03537/FULL

Plan Nos: 248_G_001RevB; 248_G_010RevD; 248_G_013RevC; 248_G_015RevA; 248_G_110RevE; 248_G_111RevE; 248_G_112RevE; 248_G_113RevE; Design and Access Statement; Structural Methodology (for information only); Construction Management Plan (for information only).

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

- 4 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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 apply to us for approval of the facing materials you will use annotated on elevations and roof plans to show where the materials are to be located including glazing and framing materials to be used. 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.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 The glass that you put in the north-east side elevation of the stair enclosure (facing 4 Maida Avenue) and the roof of the lower ground floor infill extension must not be clear glass, and must be permanently fixed 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.

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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 8 The glass that you put in the south-west side elevation of the stair enclosure (facing Douglas House) must be opaque and must be permanently fixed 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 opaque glass we have approved and must not change it without our permission

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 (November 2016) and ENV 6 ENV 10 and ENV 13 of our Unitary Development Plan that we adopted in January 2007

- 9 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

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 (November 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 To comply with condition 8 the glass must be opaque to ensure that no light spill can occur or overlooking can take place through the glass.

- 3 You are advised that to maintain enclosure around the staircase for means of escape, fire separation is required between the staircase and the dining room (upper ground floor). An alternative means of escape is required to serve the living room (lower ground floor). If the external door in the front lightwell leads to street level, this will be acceptable.
- 4 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 5 Condition requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
 - , * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - , * how any roots cut during the work will be treated.
- 6 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Flat 2, 52 South Molton Street, London, W1K 5SE		
Proposal	Alterations including extension to existing first floor terrace and erection of a second and third floor roof extension to provide additional accommodation to an existing first floor flat, with second and third floor terraces.		
Agent	Mr Conal Campbell		
On behalf of	Mr Russell Prince		
Registered Number	17/03519/FULL	Date amended/ completed	5 May 2017
Date Application Received	24 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

52 South Molton Street is an unlisted building located within the Mayfair Conservation Area. This application seeks to renew an extant permission for extensions to an existing flat including an addition on the rear first floor terrace, with a sliding glass roof, and a second and third floors roof extension, with terraces on both upper levels.

The key issues in this case are:

- The impact of the proposals upon the amenity of neighbouring properties
- Their impact on the character and appearance of the conservation area

Objections have been received on amenity grounds. However, the application is considered acceptable in land use, amenity and design terms and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View looking north- east towards 17 and 18 Woodstock Street



View looking south-east towards the rear of Bond House



Site in top right corner as viewed from Bond House



5. CONSULTATIONS

RESIDENTS' SOCIETY OF MAYFAIR & ST.JAMES'

No objection subject to assessment of potential overlooking and increased noise disturbance from use of terraces.

CLEANSING

No objection subject to condition to secure provision for waste and recycling storage.

HIGHWAYS PLANNING MANAGER

Request condition to secure cycle parking

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 45 No. of replies: 3* No. of objections: 2

- Over-development of small site
- Loss of daylight
- Increased sense of enclosure

*An objection was originally submitted on behalf of the owners of an adjacent office building (Bond House) on the grounds that the proposal would adversely affect the amenity of flats which had been permitted, but not constructed on that site. This objection has since been withdrawn.

ADVERTISED / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the north side of South Molton Street within the Mayfair conservation area. The site falls within the Central Activities Zone (CAZ) and the Crossrail line 1 safeguarding zone.

The building comprises retail units at basement and ground floor level, and flats on first to third floors, including within a lower block to the rear of the site, which rises to first floor level. The property is wholly enclosed by surrounding buildings which front onto Woodstock Street, Globe Yard and South Molton Street itself. Only a limited view of the rear of the premises can be seen - obliquely, from Globe Yard.

The application relates to a first floor flat within this rear wing- Flat 2. (This flat has previously been known as flat B, flat B Mead Court, and 52A South Molton Street).

The immediate area is predominantly characterised by commercial use, typically with retail at ground floor and offices to upper floors. The closest residential properties are the flats on the upper floors of 52 South Molton Street (at the front of the site. The buildings immediately adjacent are in commercial use. To the rear, 19-20 Woodstock Street (also known as Bond House) benefits from an extant, unimplemented, permission for the conversion of offices to provide eight flats.

6.2 Recent Relevant History

52 SOUTH MOLTON STREET

November 2006: Permission granted for 'Extension at first floor level to existing flat (Flat B, Mead Court)' (RN: 06/06525/FULL)

February 2008: Permission granted for 'Extension to existing flat comprising single storey extension at first floor level and two storey extension at second and third floor levels at rear of building. Use of part of second floor as terrace.' (08/00381/FULL)

June 2010: Permission granted for renewal of 2008 consent (RN: 10/03686/FULL).

March 2013: Permission granted for renewal of the 2010 consent (RN 13/12928/FULL)

August 2014: Permission granted for: 'Partial infill of an existing terrace area at first floor level and erection of a two storey roof extension at second and third floor levels to provide additional residential accommodation for use in association with the existing flat. Creation of terraces at second and third floor levels.' (RN: 14/05372/FULL)

This permission was the subject of an amending condition which required an alternative design to be submitted for the glazing to the first floor extension. The current application has been revised in response to this condition.

FLAT 3, 52 SOUTH MOLTON STREET

June 2014: Permission granted for: 'Infilling of the window opening at second floor level on rear elevation'(RN: 14/03678/FULL).

This permission has not been implemented, although the window has been blocked up internally.

BOND HOUSE (19-20 WOODSTOCK STREET)

August 2015: Permission granted for: 'Use of part of ground and first to fifth floors as eight residential flats (Class C3), erection of an extension at fifth floor level, extension to rear at first to fourth floors, replacement windows and other associated external alterations to include the provision of a terrace and screen plant area at fifth floor level' (RN:15/02707/FULL).

This permission has not been implemented, It remains extant until August 2018 but none of the pre-commencement conditions have been discharged and no works have been carried out to implement the permission.

7. THE PROPOSAL

This application seeks permission for the renewal of the 2014 permission for; alterations and extensions to a first floor flat at the rear of the site, including an extension to the

existing rear first floor terrace, incorporating a sliding glass roof, and a second and third floor roof extension. New terraces would be created on second and third floor levels.

The proposals are identical to those previously approved, with amendments to the design of glazing within the flank elevation of the first floor extension where the “glass brick” design has been updated with opaque glazing, in direct response to the requirements of the amending condition on the 2014 permission. The amount of glazing has also been reduced.

The proposal would change the existing flat from a 1-bed (47 sqm) to a 2-bed ,triplex apartment (141 sqm).

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy H3 of the UDP and S14 of the City Plan seek to maximise the amount of land in housing use, where appropriate, within the CAZ. Consequently, proposals to extend the existing flat are considered acceptable in principle in land use terms.

The existing residential unit does not meet the Nationally Described Space Standards (NDSS) and is considered to provide sub-standard living accommodation. The extended unit would provide two double bedrooms, with more usable living space and amenity space. The flat would exceed the minimum requirements of the NDSS and is considered to provide a good standard of accommodation with sufficient daylight and sunlight.

8.2 Townscape and Design

The main building, fronting South Molton Street, comprises, basement, ground, first and second floors with accommodation at (third floor) roof level. The application involves extensions to the first floor flat at the rear of the site including and extension to an existing first floor terrace and a two storey roof extension.

Policy DES 5 of the Council's Unitary Development Plan normally resists extensions which rise above the penultimate storey of the existing building and so the proposal does not comply with this policy since the third floor addition would be at the same height as the roof level accommodation to the main building. However, there is a series of permissions for the site which establishes the principle of the proposed extensions and the last of these permissions remains extant. The third floor addition is set away from the main rear facade, maintaining a clear separation between the proposed extensions and the original building. In these circumstances, and given the site history and the limited views of the site, the proposed roof extensions are considered acceptable in principle. There is no objection, in townscape terms, to the infilling of the first floor terrace.

Policy DES 5 also requires building extensions to reflect the design, including materials, of the host building. The proposed extension is of a contemporary, highly glazed design, and does not reflect the architectural palette of the principal building. As previously, the design

approach is considered acceptable given the presence of a number of modern extensions in the vicinity and the limited views of the site.

Revisions to the scheme, replacing the glass block to the flank elevation of the first floor extension with obscured glazing, are considered acceptable and accords with the requirements of the amending condition on the 12014 permission.

The proposed etched glass screens to the second floor terrace are as previously approved and are considered acceptable in the site context.

Overall, the proposals are considered acceptable in design terms.

8.3 Amenity

Policy ENV 13 of the UDP states that the City Council will normally resist proposals which result in a material loss of amenity to neighbouring properties in respect of the levels of daylight and sunlight received, and any loss of privacy or increased sense of enclosure to neighbouring windows. City Plan Policy S29 also states that permission will be refused for developments that would result in a material loss of residential amenity.

There are several residential properties in the vicinity of the application site including those on the upper floor of the main building fronting South Molton Street, where rear windows on the first to third floors, including third floor dormer windows, serve separate flats.

Records indicate that both adjacent properties are in commercial use. The window to the flank elevation at no 53 South Molton Street, which overlooks the proposed extensions, appears to serve a communal stair.

To the rear, properties at 17 and 18 Woodstock Street, and 19-20 Woodstock Street (Bond House) include various windows and fire escape doors. All of these properties are currently in Class B1 office use, although Bond House is the subject of an extant permission for residential conversion.

8.3.1 Sunlight and Daylight

The BRE guidelines state that only those windows which have a reasonable expectation of daylight or sunlight will need to be assessed. Windows to residential properties which serve non-habitable rooms, e.g. bathrooms, hallways and smaller kitchens, generally those which do not include dining facilities, do not require assessment.

The current application is supported by a daylight and sunlight report which was carried out as part of the 2014 application. This assesses the impact of the proposed extensions upon flats in the main building.. A supplementary daylight and sunlight report (June 2017) has also been submitted which assesses the impact of the extensions on the approved flats at Bond House (19-20 Woodstock Street).

The owners of Bond House initially objected to the current application on the basis that it would have an adverse impact upon the amenity of the approved flats on that site. The

application to convert Bond House to flats was submitted in the knowledge that permission has been granted to extend the application premises and the objector has since confirmed that the daylight/sunlight report submitted in support of the residential conversion of Bond House took account of the approved extensions to the application site. That report concluded that the new flats would receive adequate levels of daylight and sunlight if the approved extensions at 52 South Molton Street were built. Officers concurred with this view. On his basis, the objection to the current application has now been withdrawn.

8.3.3.1 Daylight

Under BRE guidelines if the Vertical Sky Component (VSC), or skylight, is greater than 27%, enough light should still be reaching the window of the existing building. Where, as a result of the development, this figure is below 27% and less than 0.8 (i.e. a loss of 20%) of its former value, then the reduction in light to that room will be noticeable. Where rooms are served by more than one window of the same size, any loss of light to these individual windows can be considered as an average.

An objection has been received from an occupier at 17 Woodstock Street on the grounds that the proposal would be an overdevelopment of the site that would result in loss of light to that property. However, there is no record of any residential uses at this property and it appears that the site is in use as offices, which area not afforded the same degree of protection as residential uses.

It appears that rear first floor windows facing the proposed first floor extension serves a bedroom (with an adjacent glazed access door to the rear terrace serving that flat). The first floor kitchen is served by a rooflight. The rear second floor windows serve a bedroom (two windows) and a non-habitable kitchen. Permission has been granted to remove this kitchen window. Although it remains in situ, it has been blocked up internally. At third floor level, two windows within each of the rear dormers serve a kitchen and bathroom.

An objection has been received from the occupier of Flat 4,52 South Molton Street, which is on the third floor of the main building on the application site, on the grounds that the proposals would result in an unacceptable loss of daylight to the kitchen, and potentially the bathroom, of this property. It has not been possible to secure access to this flat. The daylight assessment demonstrates that the loss of light to the two kitchen windows (at 2.05 and 1.98%) would be well within acceptable parameters. As a non-habitable room, the bathrooms does not require assessment under BRE guidance.

Of the first and second floor windows tested, all would satisfy BRE guidelines (VSC) with the exception of the first floor bedroom window, which would see a loss of 22.83% (from 6.43 to 4.94%) and the second floor kitchen window, which has been internally blocked (30.72%) However, in this built up location, given that bedroom windows are afforded a lesser degree of protection than principal living rooms, this loss which only slightly exceeds the BRE benchmark, is considered acceptable. It is noted that no objections has been received from the occupiers of this property.

As previously it is not considered that the proposals would result in a material loss of daylight to neighbouring properties.

8.3.1.2 Sunlight

BRE guidelines state that access to sunlight should be checked for all neighbouring main living (habitable) rooms which have a window facing within 90 degrees of due south. Windows which face 90 degrees of due north do not need to be tested as they have no expectation of sunlight. The BRE guidance acknowledges that kitchens and bedrooms are of less importance, but states that in the case of these rooms care should be taken 'not to block too much sun'.

If the tested window receives more than one quarter of annual probable sunlight hours, including at least 5% of annual probable winter sun (during the winter months between 21 September and 21 March), then the room should still receive enough sunlight. Any reduction in sunlight below this level should be kept to a minimum. If available sunlight hours are both less than the amount given and less than 0.8 (20% loss) of their former value, either over the whole year or just during the winter months, then the loss of sunlight will be noticeable.

19-20 Woodstock Street, is the only neighbouring property in (potentially) residential use, where affected windows face within 90 degrees of due south. As stated above the submitted sunlight analysis for the residential development of that site confirms that the approved flats in Bond House would be adequately sunlit in the event that the previously approved (and currently proposed) extensions to 52 South Molton Street are built.

Whilst the building at 17 Woodstock Street does have rear windows within 90 degree of due south, this building appears to be in office use and, as offices are not afforded the same degree of protection as more sunlight-sensitive uses, it is not considered that any impact on sunlight levels to this property could justify a recommendation for refusal.

In these circumstances, in this built up urban location, it is not considered that the scheme could reasonably be recommended for refusal on the grounds that there would be a material loss of daylight or sunlight to neighbouring properties.

8.3.2 Sense of enclosure

The occupier of the third floor flat (Flat 4) at 52 South Molton Street is also concerned that the proposals would result in unacceptable sense of enclosure to windows at the rear of that property.

The objector has referred to the history of planning approvals for this site. Although it differed from earlier schemes, the 2014 scheme was revised to set the proposed extensions away from the main rear elevation in order to safeguard the amenities of flats in the main building. This set-back is replicated in the current scheme. As previously, the set-back, of approximately 6m, is considered acceptable, since the proposed third floor extension does not rise above the height of the dormer window to the top floor flat.

The first floor rear bedroom window to the main building at 52 South Molton Street is already closed in by a high privacy fence which a small rear garden/terrace and the terrace to the applicant's flat. It is not considered that the replacement of this fence – with

a brick wall of a similar height, and in the same position, as the existing fence - would result in material harm to living conditions at this neighbouring residential unit. It is not considered that the application could be refused on the grounds there would be an unacceptable increase in the sense of enclosure to the neighbouring window and garden. No other windows to this flat would be affected.

Windows in the flank elevation of 53 South Molton Street serve a stairwell or non-habitable residential space. From an acute angle, there may be a slight increased sense of enclosure to these windows but, given that they serve a commercial use, it is not considered that there would be a material impact on the amenity of this accommodation.

Since permission was last granted (2014) to extend the application premises, permission has been granted (2015) convert Bond House to 8 residential flats. The relationship between the two buildings remains unchanged (since 2014) and it is not considered that there would be any undue sense of enclosure to windows at the rear of Bond House.

No.17 Woodstock Street is in commercial use and is therefore not afforded the same level of protection as windows serving habitable residential floorspace. There is no change between this scheme and the 2014 approval, in terms of the design or relationship to between the buildings, therefore the proposal would be acceptable in terms of impact on this property.

8.3.3. Overlooking/use of terraces

All new windows within the north elevation of the first floor extension would be obscure glazed - this would be secured by condition in order to maintain neighbours' privacy. The first floor extension would be built on the existing roof terrace.

New windows within the second and third floor extensions would be set well back from any neighbouring windows, and orientated such that there would only be very limited, oblique views towards windows on the upper floors at the front of the application site. South Molton Street. This would not cause any material loss of amenity to these flats..

The second floor bedroom windows within the main building at 52 South Molton Street will look out over the proposed extension, at the same height as the proposed second floor terrace on the north side of the site. In order to safeguard neighbours' amenities, etched glass privacy screens (1.8m tall) will be installed. A condition is recommended to ensure that a sample of the glazing to the privacy screens is submitted for approval and that the screens are installed prior to the use of the terrace and retained in situ thereafter.

The proposed third floor terrace would be adjacent to the blank façade at the rear of the main building. Its use would not afford the opportunity for direct overlooking into neighbouring windows at it is not considered necessary to require the installation of privacy screens to this terrace..

Given their relatively small scale and domestic nature, it is not considered that the use of these terraces would have a significant impact in terms of potential noise disturbance. On balance, it is not considered that the proposals would adversely affect the amenities of neighbouring properties.

8.3 Transportation/Parking

The scheme involves an extension to an existing flat. The Highways Planning Manager has expressed concern over the lack of cycle storage and have requested a condition to secure 2 cycle parking spaces. However, given the site constraints, there is no potential to provide these spaces on site and, as previously, it is not considered that it would be reasonable to withhold permission on these grounds.

8.4 Waste and Recycling

The submitted drawings do not show provision for the storage of waste or recyclable materials. The submission of these details would be secured by condition.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the residential unit would remain as existing.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

No planning obligations are relevant in the determination of this application.

8.11. Other matters

An objection has been received on the grounds that the proposals would represent an over development of a small site. Whilst it is acknowledged that the site is limited in size, and highly constrained by surrounding buildings it is not considered a scheme proposing the extension of an existing flat, which is otherwise acceptable in townscape and amenity terms, could justifiably be recommended for refusal on these grounds.

9. BACKGROUND PAPERS

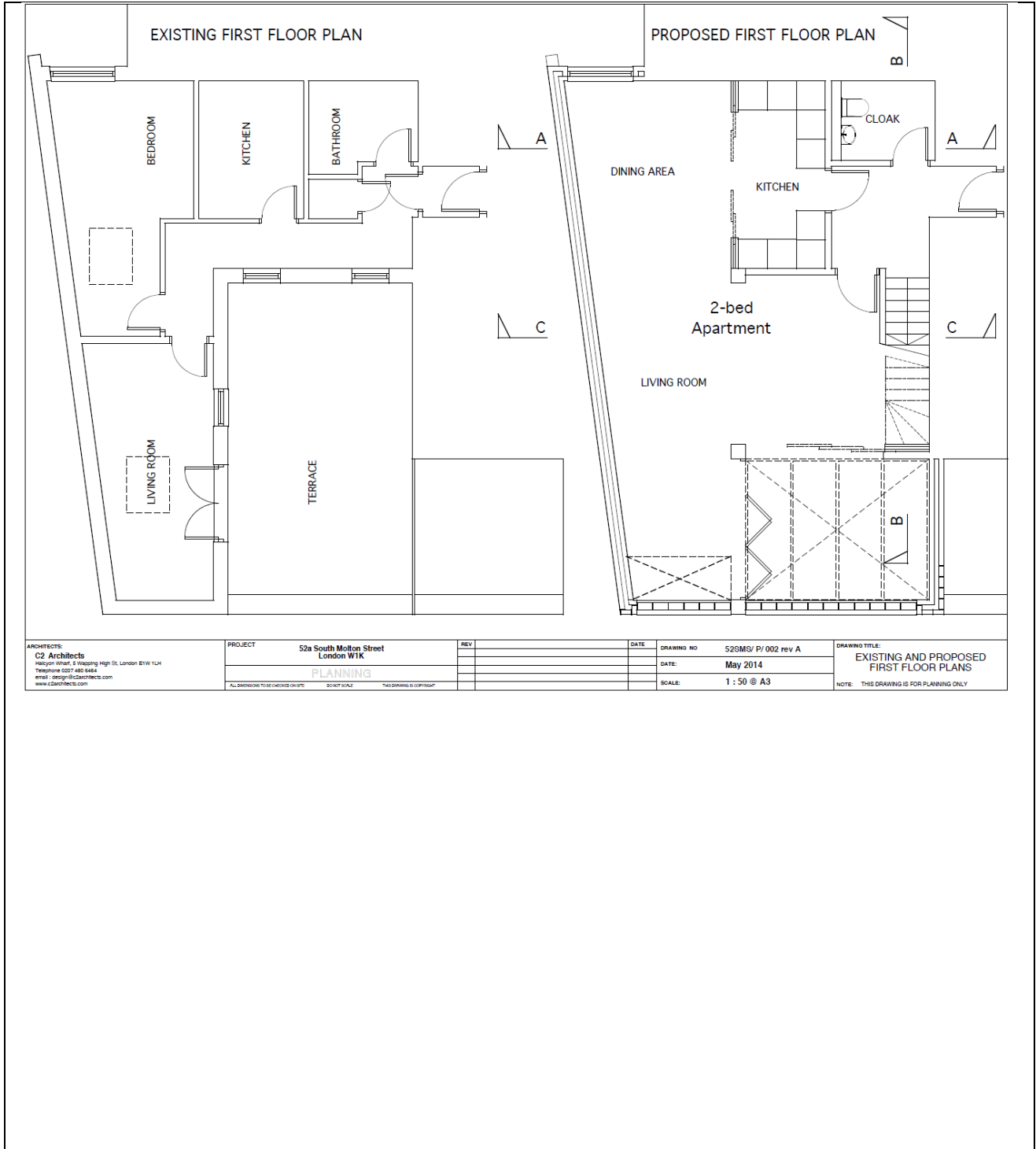
1. Application form
2. Response from Residents' Society of Mayfair & St. James's, dated 24 May 2017
3. Memorandum from Highways Planning dated 22 May 2017
4. Memorandum from Cleansing dated 9 May 2017
5. Letter from occupier of Flat 4, 52 South Molton Street, dated 30 May 2017
6. Letters on behalf of the owners of Bond House, 19-20 Woodstock Street dated 31 May 2017.
7. Letter from occupier of 17 Woodstock Street, dated 22 May 2017

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

Item No.
3

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK

10. KEY DRAWINGS



ARCHITECTS:
C2 Architects
 Halcjon Wharf, 5 Wapping High St, London E1W 1LH
 Telephone 0207 485 6444
 email: design@c2architects.com
 www.c2architects.com

PROJECT: **52a South Molton Street
 London W1K**

PLANNING

All dimensions to face UNLESS OTHERWISE STATED. *Not binding @ A3/Plot*

REV

DATE

DRAWING NO

DATE

SCALE

DATE

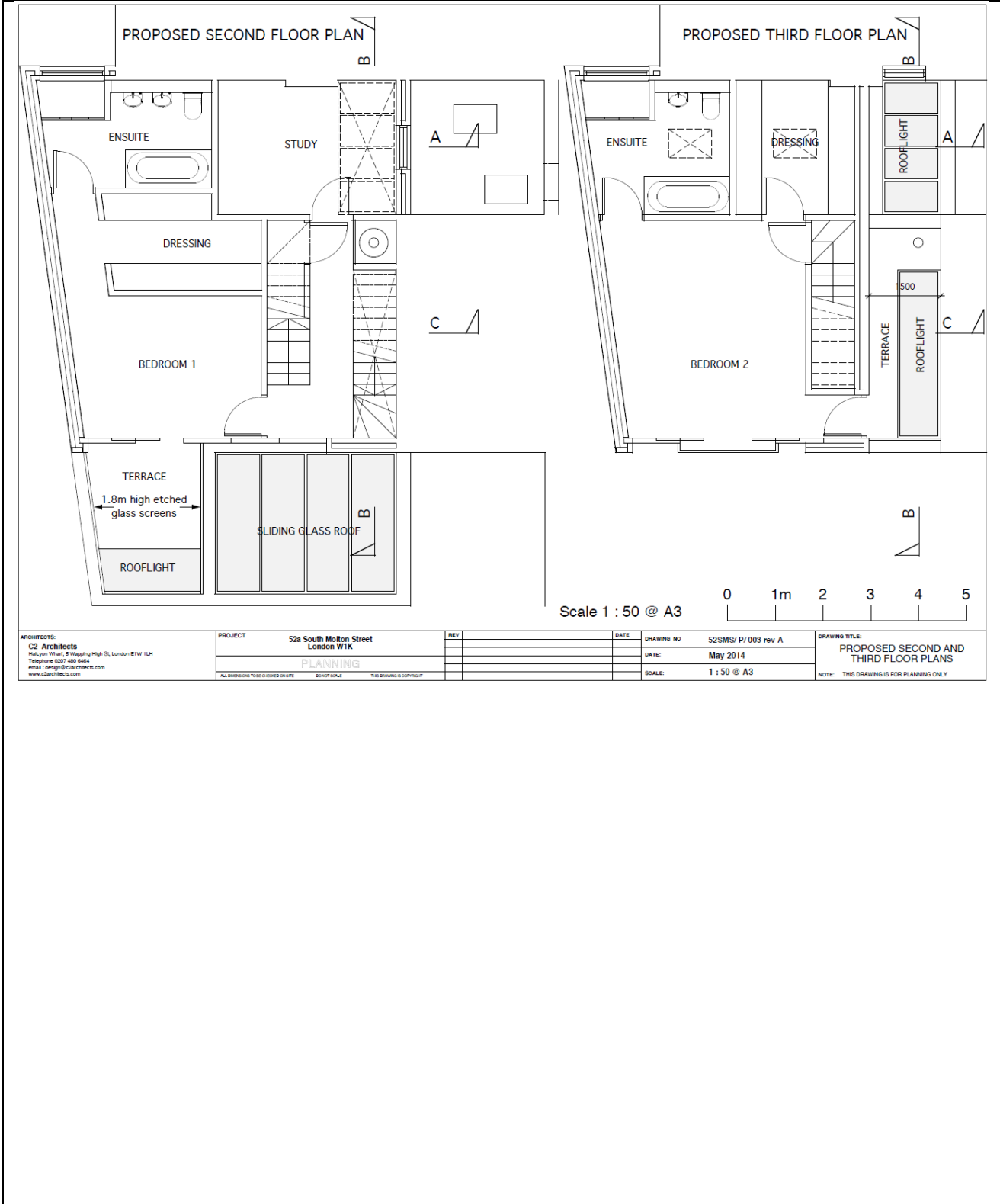
DRAWING NO: **520MS/ P/ 002 rev A**

DATE: **May 2014**

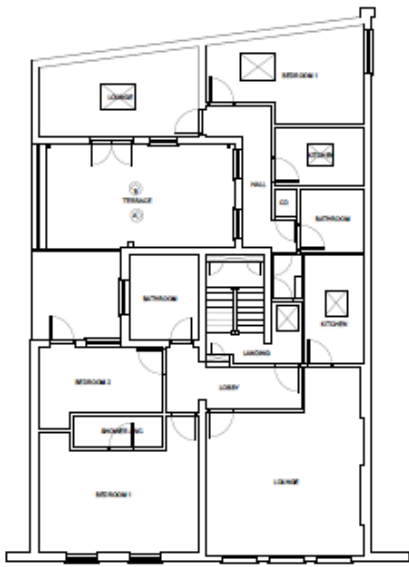
SCALE: **1 : 50 @ A3**

DRAWING TITLE:
**EXISTING AND PROPOSED
 FIRST FLOOR PLANS**

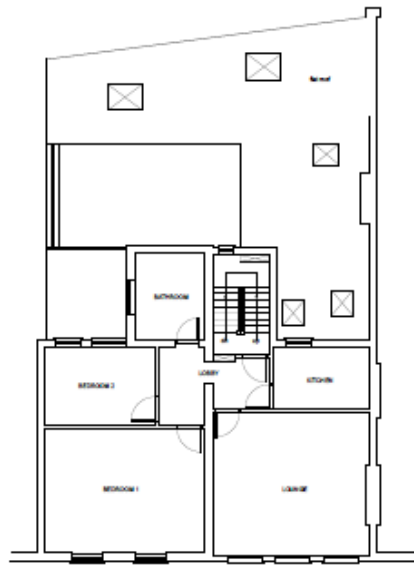
NOTE: THIS DRAWING IS FOR PLANNING ONLY



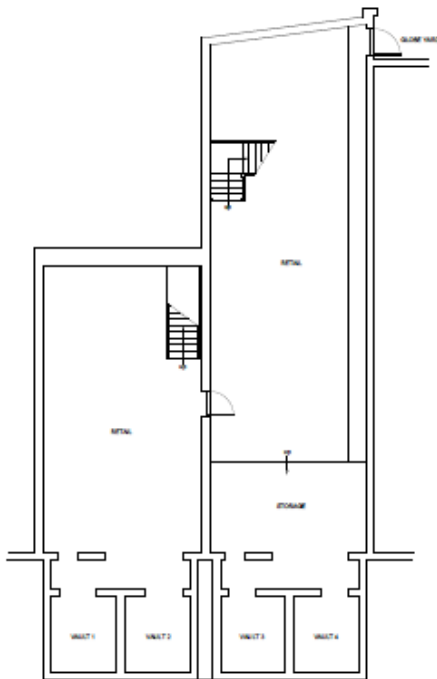
ARCHITECTS: C2 Architects Falcon Wharf, 5 Wapping High St, London E1W 1LH Telephone: 0207 460 6644 email: design@c2architects.com www.c2architects.com	PROJECT: 52a South Molton Street London W1K	REV: <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>									DATE: <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>									DRAWING NO: 52SMS/ P/003 rev A	DRAWING TITLE: PROPOSED SECOND AND THIRD FLOOR PLANS
PLANNING				DATE: May 2014	NOTE: THIS DRAWING IS FOR PLANNING ONLY																
<small>*ALL DIMENSIONS UNLESS OTHERWISE STATED. ©2014 C2 ARCHITECTS</small>				SCALE: 1 : 50 @ A3																	



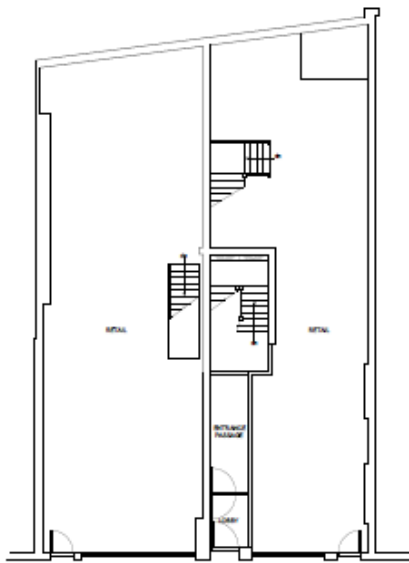
FIRST FLOOR PLAN



SECOND FLOOR PLAN



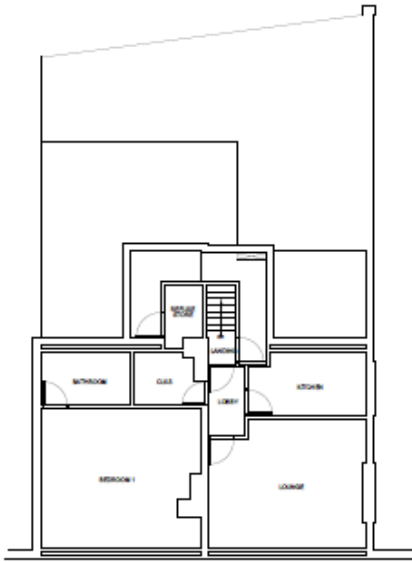
BASEMENT PLAN



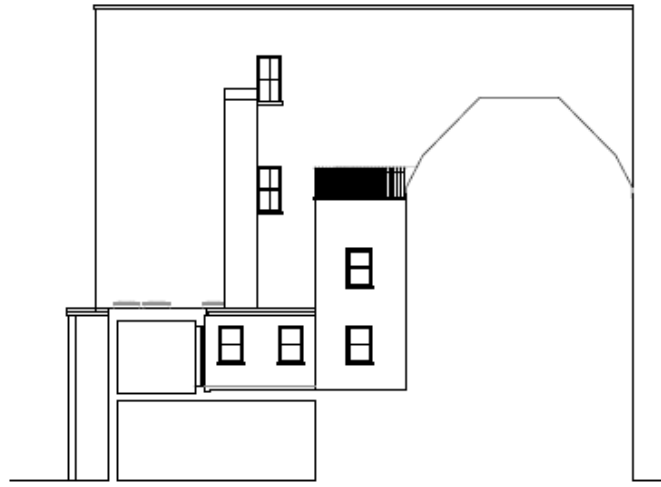
GROUND FLOOR PLAN

© This drawing and any design therein is the copyright of the provider and must not be reproduced without written consent. Do not scale from this drawing, use figured dimensions only. Any discrepancies must be reported to the company at once.

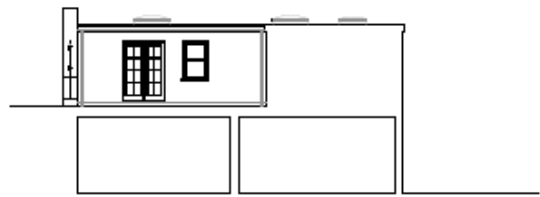
Add corner tools



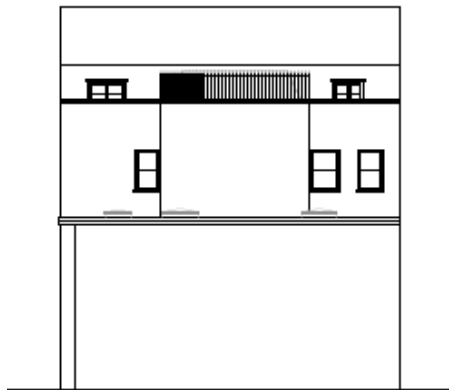
THIRD FLOOR PLAN



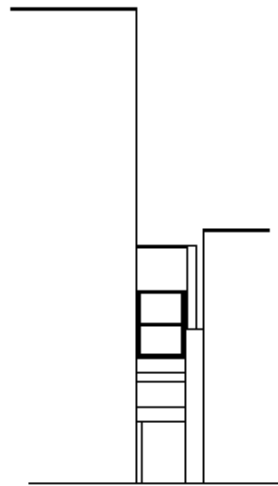
ELEVATION A



ELEVATION B



ELEVATION C



ELEVATION D



ASHTON DESIGN COMPANY LTD.
2 Alpha Terrace
West Road
Ranmore East
Surrey
GU24 0NF
Telephone - (01473) 278 000
Facsimile - (01473) 278 001
e-mail - info@ashtondesign.co.uk

PROJECT
Proposed Extension & Alterations

Flat B Mead Court
52A South Molton Street
London
W1K 5SE

CLIENT
The Door London Ltd

DETAIL
Measured Survey

SCALES
1:100 @ A1

DATE
December 13

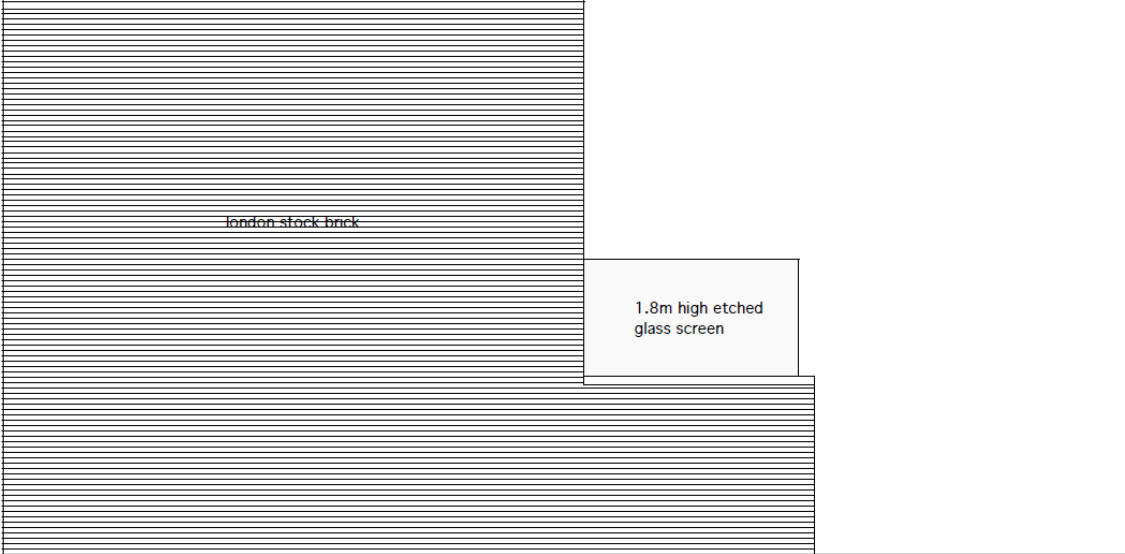
DRWG. NO

7805 - MS/01

DRAWN
NJA

PREVIOUS PLANNING APPROVED
DRAWING NUMBER 7879 - 02 C
Council Ref - 09/0085 VP/LL
Dated 10th April 2008





PROPOSED SOUTH-WEST ELEVATION

Scale 1 : 50 @ A3





DRAFT DECISION LETTER

Address: Flat 2, 52 South Molton Street, London, W1K 5SE,

Proposal: Partial infill of an existing terrace area at first floor level and erection of a two storey roof extension at second and third floor levels to provide additional residential accommodation for use in association with the existing flat. Creation of terraces at second and third floor levels.

Reference: 17/03519/FULL

Plan Nos: 52SMS/ P/ 009, 52SMS/ P/ 002 Rev A, 7806 - MS/01, 52SMS/ P/ 003 Rev A, 52SMS/ P/ 005, 52SMS/ P/ 006 Rev A, 52SMS/ P/ 007 Rev A, 52SMS/ P / 012 Rev A

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)

1	<p>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.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
2	<p>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.</p> <p>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 (November 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.</p>
3	<p>You must carry out any building work which can be heard at the boundary of the site only:</p> <p>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.</p> <p>Noisy work must not take place outside these hours</p> <p>Reason: To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.</p>

4	<p>You must apply to us for approval of a sample of the glass (at least 300mm square) to:</p> <ul style="list-style-type: none"> i) the etched glass privacy screens to the second floor terrace ii) The obscured glazed windows to the first floor extension <p>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.</p> <p>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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.</p>
5	<p>The privacy screens to the second floor terrace should be 1.8M high above terrace level. They must be installed prior to the use of the terrace and permanently maintained at that height.</p> <p>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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.</p>
6	<p>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 residential dwelling</p> <p>Reason: To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007</p>

INFORMATIVES

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 (November 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.

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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Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	59 Greek Street, London, W1D 3DZ		
Proposal	Use of part basement and part ground floor as a restaurant (Class A3), creation of new shopfront and replacement of extract plant on rear elevation and at roof level.		
Agent	Jon Dingle		
On behalf of	Soho Housing Association		
Registered Number	17/04475/FULL	Date amended/ completed	22 May 2017
Date Application Received	22 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

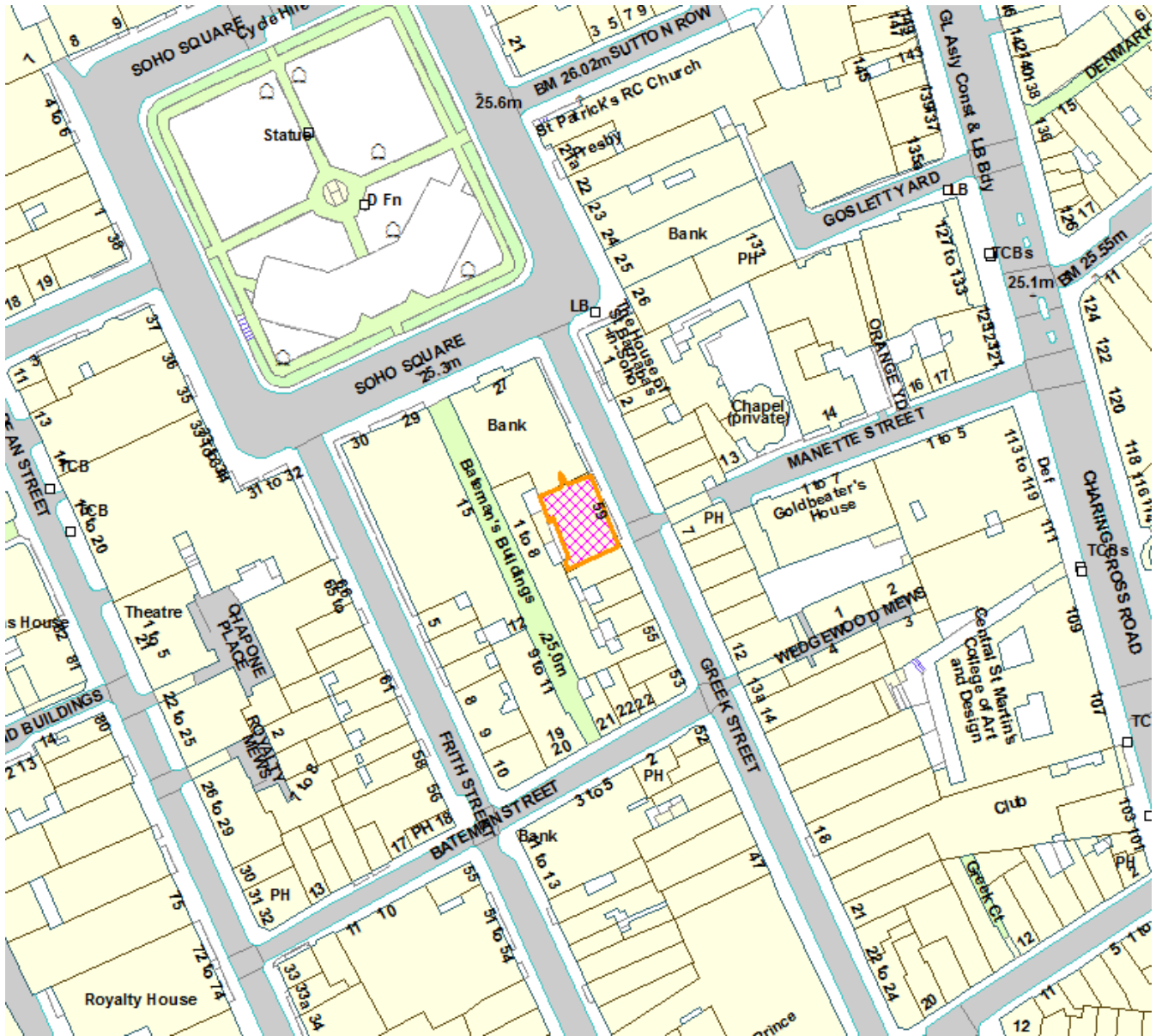
Historically the whole of this site was used as a hostel. After it became vacant (following the cessation of funding) the freeholder and current applicant (the Soho Housing Association) obtained planning permission from the Council to convert the upper floors to ten residential units and the basement and ground floor into two small retail units. The upper floors are currently being converted to flats.

The applicant is now seeking permission to use the basement and ground floor as a Class A3 restaurant. New shopfronts are proposed, which are the same as previously approved, along with replacement extract duct and associated plant.

The key issues are considered to be the impact of the proposal on local amenity.

For the reasons set out in the main report, given the proposal's modest scale and with adequate conditions to safeguard amenity, the introduction of a new restaurant in this location is considered acceptable and would comply with relevant UDP and City Plan policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS

The site prior to conversion of the upper floors



5. CONSULTATIONS

SOHO SOCIETY – No objection

PLANT AND EQUIPMENT – No objection, subject to conditions

HIGHWAYS PLANNING – No objections, subject to conditions

CLEANSING –Initial objection to inadequate waste storage details overcome by revisions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 71; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The building is not listed but is within the Soho Conservation Area. It is also within the Core Central Activities Zone, the West End Special Retail Policy Area and the West End Stress Area. It is located at the northern end of Greek Street, just south of Soho Square. The immediate area is characterized by a wide mix of uses, including restaurants and other commercial activities, as well as some residential accommodation on upper floors.

The upper floors of this property are currently being converted to residential use. Until recently the whole property (comprising basement, ground and four upper floors) had a long-standing history as a hostel ('a sui generis' use), last used by Centrepont to provide accommodation for homeless young people (26 bed-spaces). However, due to lack of funding the provider had to vacate the building, in July 2014, and alternative accommodation was provided for the occupants in other nearby hostels.

6.2 Recent Relevant History

December 2016 – conditional permission granted for 'use of part basement and part ground floor as two retail units (Class A1) and part basement and part ground and upper floors as residential (Class C3) to create up to 10 residential units, external alterations including infill of front lightwells and installation of pavement lights, removal of railings and new shop fronts'.

This permission was subject to a legal agreement to secure nine of the residential units (excluding the 3-bedroom unit on the top floor) as affordable housing.

7. THE PROPOSAL

The freeholder, the Soho Housing Association (SHA), now wishes to convert the basement and ground floor into a restaurant, rather than the previously approved retail units. There would also be a new extract duct on the rear façade and associated plant at roof level. This replaces existing an existing duct and equipment which served a large kitchen in the basement that was part of the hostel. The ground floor entrance to the flats

will remain as previously approved. New shopfronts are also proposed, again as previously approved, along with the covering over of the front basement lightwell with pavement lights.

The applicant advises that the proposed Class A3 unit has been designed to appeal to a high quality, independent restaurateur although, at this stage, the proposal is speculative. An indicative layout is shown on the application drawings providing a total of 98 covers along with a small, ancillary bar, located on the ground floor (rear) of the unit. The kitchen and waste storage and staff welfare facilities are located at basement level. In total the proposed restaurant measures 219 sqm (GIA) or 284 sqm (GEA). The proposed opening hours are 08:00 – 00:00 Sundays to Thursdays, bank holidays and public holidays, and 08:00 – 00:30 Fridays and Saturdays.

The application shows that shopfronts and entrances are the same as approved.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of the existing hostel use

The basement and ground floors have previously been used as communal accommodation for the hostel (rather than bed-spaces). In granting permission for a retail use on the lower floors it was previously accepted that, in this busy location, the conversion of these floors to provide habitable living space would not provide a good quality of accommodation (notwithstanding the policy presumption to provide a residential use). In this case, the creation of two small retail units, in accordance adopted retail policies (UDP policy SS 4 and City Plan policies S6 and S7), was considered acceptable in land use terms and on the basis that it would also enliven the street frontage. It was acknowledged that a commercial use would also help to generate income for this local service provider (the Soho Housing Association). In these circumstances, the proposed loss of the hostel accommodation is, again, considered acceptable.

Although A1 retail use has been approved on the site, this use has not been implemented. Consequently, policies relating to the loss of retail floorspace are not relevant to the consideration of the application.

Proposed restaurant use (Class A3)

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core Central Activities Zone. However, as the site is located within the West End Stress Area, the introduction of new entertainment uses is considered more sensitive. In this area, policy S6 states that “new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses”.

Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses, and any cumulative impacts, and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. New large-scale late-night

entertainment uses of over 500 sqm floorspace will not generally be appropriate within Westminster.

Given the size of the proposed restaurant (284m² GEA), Policy TACE9 of the UDP applies. This relates to entertainment uses which may be permissible in principle, subject to certain criteria. TACE9(B) states that permission will only be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity, increased parking and traffic and no adverse effect on the character or function of its area.

It is noted that the Soho Society has not objected to the new restaurant floorspace and no other objections have been received.

The restaurant proposals are speculative with no end-user identified, and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier. However, as freeholder, landlord and manager of the residential units, the Soho Housing Association (the applicant) has every incentive to ensure that the restaurant and residential units can operate alongside one another successfully.

Furthermore, conditions could be used to control the opening times and activity to ameliorate the potential impact. These conditions would ensure that the use would essentially be a sit-down restaurant, limited to a customer capacity of 98 covers (based on indicative layout provided by the applicant): this capacity includes customers waiting at the bar that has also been indicatively shown. Any ancillary bar could be limited to a small part of the premises, to be used only by diners before and after meals. A condition is recommended to ensure that the bar area does not exceed 15% of the proposed restaurant.

The proposed opening hours are consistent with general advice in the UDP - namely that as a general rule, the Council expects that, for entertainment uses in predominantly residential areas, conditions will be imposed to prevent customers remaining on the premises after midnight on Sundays (other than those immediately preceding Bank Holidays) to Thursdays, and after 12.30 a.m. on the following morning on Friday and Saturday nights and on Sundays immediately preceding bank holidays. As this is not a predominantly residential area, the proposed opening hours are considered reasonable.

An indicative Operational Management Plan (OMP) has been submitted in support of the application, but it is considered appropriate to require (by condition) a finalised OMP to be submitted and approved, once a tenant has been identified and before the use commences, to ensure that adequate safeguards are in place.

The nearest residential properties will be on the upper floor of the application site; on the upper floor the adjoining building (no. 58) and individual flats on the upper floors of several buildings on the opposite side of the street. The ground floor units along Greek Street are characterised by restaurant and retail uses. To the north of the site is a bank, which leads into then Soho Square. To the south is a restaurant, retail shop and office. Opposite the site is a restaurant, a shop, a wine and cocktail bar and a public house (The Pillars of Hercules).

In view of the mix of uses characterising the area, the proposal is considered to be acceptable in principle in land use terms. Although there are other restaurants in the vicinity, it's not considered that the proposal will create an adverse cumulative impact, given the dispersed nature of these premises and the small size of the proposed restaurant.

It is recommended that a condition is imposed requiring the submission of an updated Operational Management Plan (OMP) and Servicing Management Plan (SMP) including details of measures to:

- prevent customers queuing on the street,
- manage customers who wish to smoke;
- prevent customers from leaving the premises with their drinks
- ensure that goods and refuse are not stored on the highway and that site servicing is carried out in a sensitive manner, within agreed hours, to ensure that potential noise disturbance is minimised.

A condition is also recommended to ensure that no live or recorded music, which is audible externally or in neighbouring properties, can be played. With the imposition of the above conditions including a restriction on the restaurant capacity to 98, it is considered that the restaurant use would not have any adverse impact on residents' amenities or local environmental quality.

8.2 Townscape and Design

The property is an unlisted building in the Soho Conservation Area Audit. The proposed shopfronts are acceptable in design terms and are identical to those approved in 2016. The infilling of the lightwells along the ground floor frontage, as part of the works to the shopfronts, also remain acceptable.

The proposed rear extract duct would replace an existing duct of comparable size, following the same route. Given the limited visibility of the rear of the building it is not considered reasonable to require the duct to run internally. Any requirement for the duct to be enclosed by GRP panels or brick slips would be likely to have a detrimental impact on the adjacent windows. It is therefore considered appropriate to impose a condition requiring the duct to be painted to match the brickwork to the rear elevation.

The proposed rooftop plant replaces an existing installation of a similar height and volume. While the proposed roof plant is considered acceptable, it should also be painted to match the colour of the existing roof covering. The three air intake and extract 'swan neck' ducts below the rear ground floor windows (effectively at rear basement level), which will have very limited visibility, are also considered acceptable.

8.3 Residential Amenity

Mechanical plant is being replaced at roof level along with a replacement full height extract duct on the rear elevation (to extract at roof level). Subject to standard conditions restricting noise levels and vibration, this equipment is considered to be acceptable and will not adversely impact the amenity of the new flats on the upper floors of the building or flats in adjoining buildings.

The three air intake and extract 'swan neck' ducts below the rear ground floor windows (effectively at rear basement level), which are also considered to be acceptable subject to conditions controlling noise output.

The application includes details of proposed sound insulation between the ground floor restaurant and the new residential accommodation above. A condition is proposed to ensure that these measures are implemented. The insulation measures depend on the restaurant having no amplified or live music. The Environmental Health officer has therefore requested a condition stating that no amplified or live music entertainment can be provided at the premises beyond 'background level', as defined under guidance to the Licensing Act 2003).

8.4 Transportation/Parking

The Highways Planning Manager raises no objections to the application and considers that the proposal is unlikely to have a significant impact on car parking in the area. The site is also well served by public transport.

Servicing

TRANS20 and S42 require off-street servicing for new developments although there is no potential to provide off-street servicing on the application site. The largest regular service vehicle expected to be associated with this development is the refuse collection vehicle. This will service the property in a similar fashion to the existing use and nearby properties. The site is located within a Controlled Parking Zone, which means that locations single and double yellow lines (where restrictions permit) in the vicinity allow loading and unloading to occur, there is also an on-street loading bay within close proximity of the site.

Pavement Lights

Maintaining a high quality pedestrian environment is vital to facilitate movement. The installation of pavement lights or smoke vents in the footway is usually considered detrimental to the pedestrian environment and does not accord with the principals of the Westminster Way. However given that the pavement lights replace an existing lightwell (as such the area is not currently highway) and will increase the width of the useable highway, proposals to cover the front basement lightwell with pavement lights are considered acceptable. The applicant will need to liaise with the Council regarding approval for the structure supporting the highway.

Cycle parking

No cycle parking has been shown on the submitted drawings. To comply with the London Plan (as amended) a minimum of two cycle spaces is required, which will be secured by condition.

8.5 Economic Considerations

Any economic benefits generated are welcomed.

8.6 Access

The restaurant entrance will include a step up of 150mm from the public highway due to the ground floor threshold being slightly raised above pavement level. The applicant

advises that it is not possible to introduce ramped threshold as the level change would necessitate the siting of the entrance door behind the façade line, thereby creating a deep recess. This would not only introduce a security risk but also have an adverse impact on the design and appearance of the building and may encourage anti-social behaviour. The constraints of the site are noted, as is the fact that this is the same arrangement as was previously approved.

8.7 Refuse/Recycling

Following the submission of amended drawings, the proposed arrangements for the storage of refuse and recyclable materials are considered to be acceptable. This will be secured by a planning condition.

8.8 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

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, nor does the proposal generate a CIL payment..

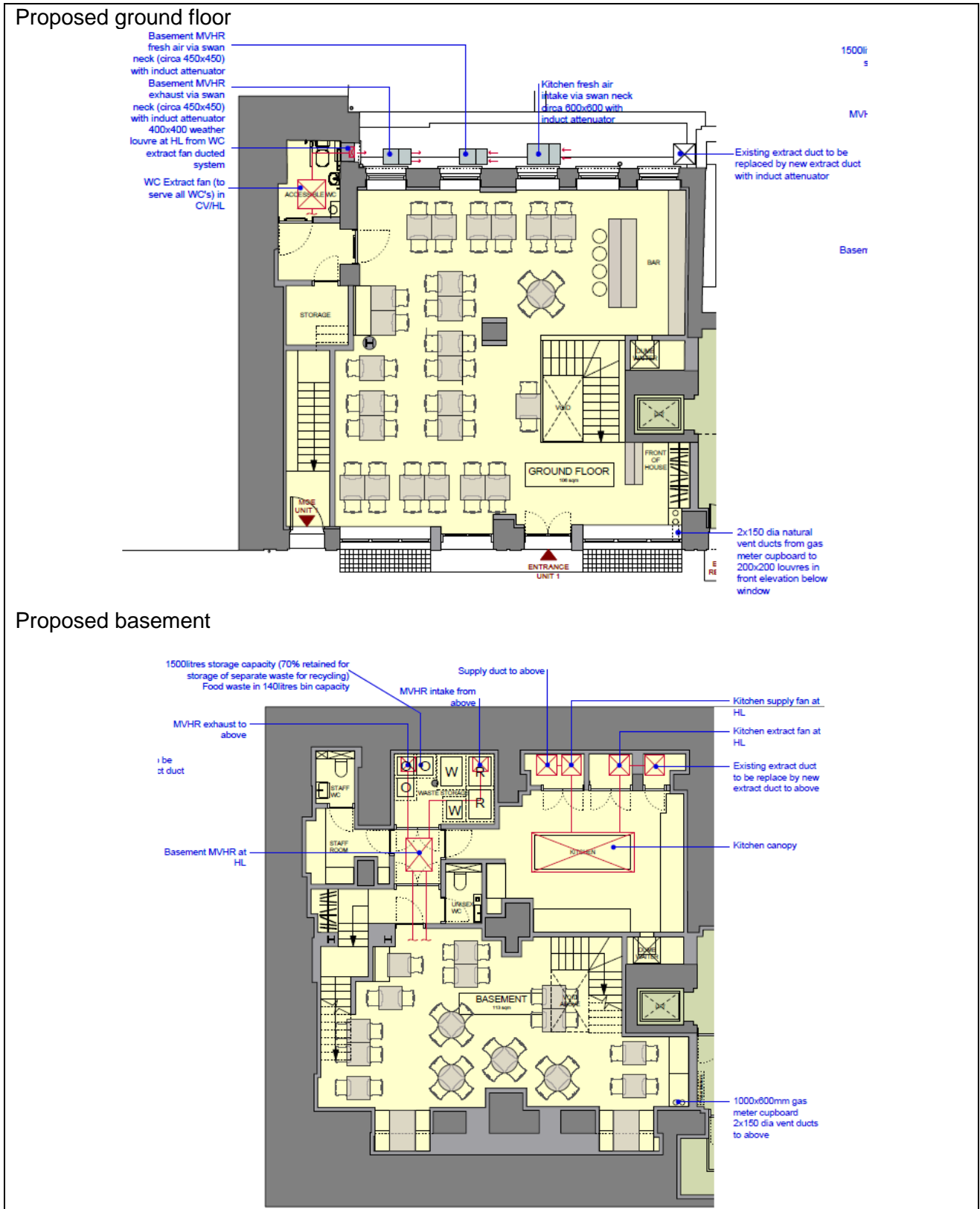
9. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 12 June 2017
3. Memorandum from the Highways Planning Manager dated 2 June 2017
4. Memoranda from the Projects Officer (Waste) dated 1 June and 25 July 2017
5. Memorandum from Environmental Services dated 31 July 2017
6. Draft Operational Management Plan dated 3 April 2017

(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: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

10. KEY DRAWINGS



Existing shopfront



Proposed shopfronts



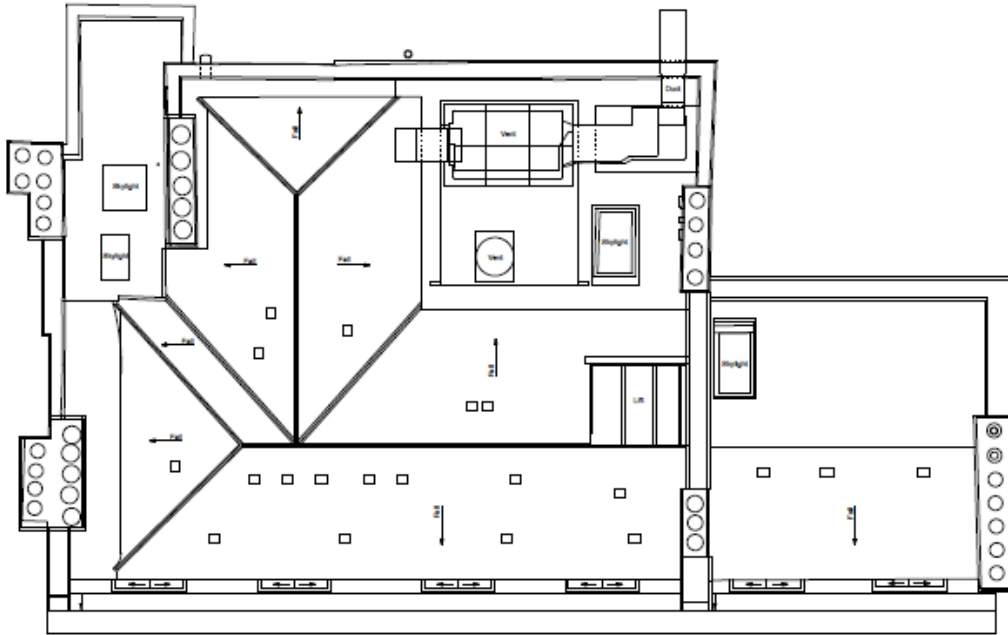
Existing rear elevation



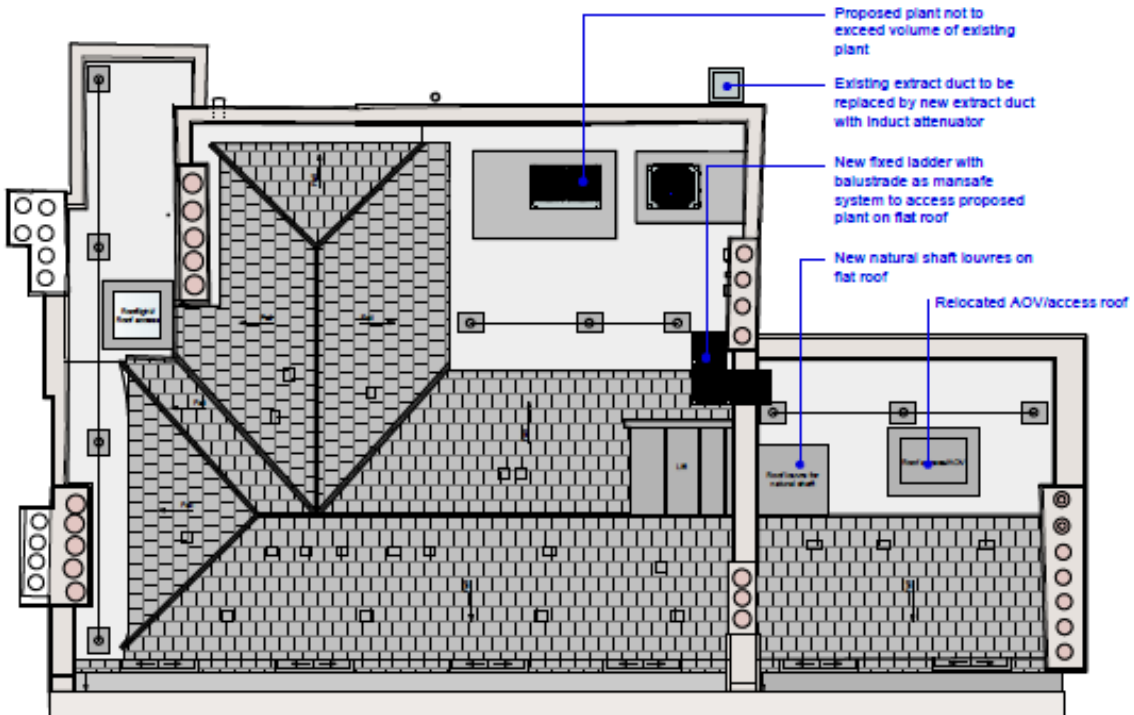
Proposed rear elevation



Existing roof plan



Proposed roof plan



DRAFT DECISION LETTER

Address: 59 Greek Street, London, W1D 3DZ

Proposal: Use of part basement and part ground floor as a restaurant (Class A3), creation of new shopfront and replacement of extract plant on rear elevation and at roof level.

Reference: 17/04475/FULL

Plan Nos: EX. 100 (Site Location Plan); PR 101 Rev A, PR 102, PR 201, PR 202, PR 203, PR 204, PR 205, PR 206; Report from KP Acoustics dated 5 June 2017 (Ref. 15280.170606.L1), Design and Access Statement dated March 2017.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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

- 3 You must not:
i) sell any hot-food take-away on the premises, even as an ancillary part of the primary Class A3 use;
ii) provide a delivery service from the restaurant, including no deliveries by any independent operators.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 4 The provision of a bar and bar seating must not take up more than 15% of the floor area of the restaurant premises. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not allow more than 98 customers into the property at any one time (including any customers waiting at the bar, if one is provided).

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Soho Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 6 No amplified or live music entertainment can be provided at the premises beyond 'background level' (as defined under guidance to the Licensing Act 2003). Any such music must not be audible externally or in the adjacent properties (including the first floor residential accommodation above).

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 7 Customers shall not be permitted within the restaurant premises before 08:00 or after 00:00 Sundays (excluding those Sundays preceding bank holidays and other public holidays) to Thursdays, and before 08:00 or after 00:30 on Fridays and Saturdays, and Sundays (other than those preceding bank holidays and other public holidays).

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of an updated management plan (including the number of customers allowed by condition 5) to show how you will prevent customers who are leaving the building, and people who wish to smoke outside, from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use.

(C05JB)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 9 The plant/machinery hereby permitted shall not be operated except between 07:30 hours and 00.30 hours daily.

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 (November 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.

- 10 (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 (November 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.

- 11 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.

- 12 You must implement the sound insulation measures set out in the report by KP Acoustics Ltd report dated 5 June 2017 (Ref. 15280.170606.L1) between the restaurant and residential accommodation at first floor level, to reduce noise passing between them. You must not commence the restaurant use until these works have been fully carried out in accordance with the measures outlined in the KP Acoustics report.

Reason:

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

- 13 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number PR 101 Rev A. You must clearly mark them and make them available at all times to everyone using the restaurant. (C14FB)

Reason:

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

- 14 You must apply to us for approval of details of secure cycle storage for the restaurant use (minimum 2 bicycle spaces). You must not commence the restaurant use 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.

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

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 17 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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 18 The kitchen extract duct and associated plant at roof level must be installed before the restaurant use commences.

Reason:

To ensure that the restaurant is provided with the appropriate extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05DC)

- 19 The extract duct on the rear facade shall be painted a colour that matches the adjacent brickwork and the plant equipment at roof level shall be painted a light grey.

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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 20 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.

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 (November 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 may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 3 With regard to the kitchen extract equipment, the Council's Environmental Health officer advises that the kitchen extract duct must discharge at highest roof level (at least 1m above roof eaves) and which is also higher than any building within 20 metres of the building housing the commercial kitchen; - The kitchen extract ventilation must discharge with an efflux velocity of at least 8m/s., - The final discharge point must be vertically upwards and unhindered ie use of plate, cowl or cap methods for the prevention of rainwater penetration should not be employed; - All kitchen extract ducts must be fitted with doors/hatches for cleaning, at approximately 3 metre intervals, complying with the H & S safe access standards. All cookline equipment must be placed under the extraction canopy.
- 4 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 (ACMs). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACMs, 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 (I80AB)
- 5 Please contact our Environmental Health Service (020 7641 2971) to register your food business

and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)

- 6 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992.
www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm, , The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>., , BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances , BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 7 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.
- 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 You are advised of the need to obtain technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress the application for works to the highway.

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.

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Queen's Park	
Subject of Report	113 Fifth Avenue, London, W10 4DR		
Proposal	Erection of a single storey side in fill extension.		
Agent	Mr Chris Fidler		
On behalf of	Mr Ross Barr		
Registered Number	17/02978/FULL & 17/02979/LBC	Date amended/ completed	13 July 2017
Date Application Received	5 April 2017		
Historic Building Grade			
Conservation Area	Queens Park Estate		

1. RECOMMENDATION

Subject to no new issues being raised when the consultation period on the proposal under Certificate B formally expires on 22 August 2017, resolve to grant conditional permission and listed building consent.

2. SUMMARY

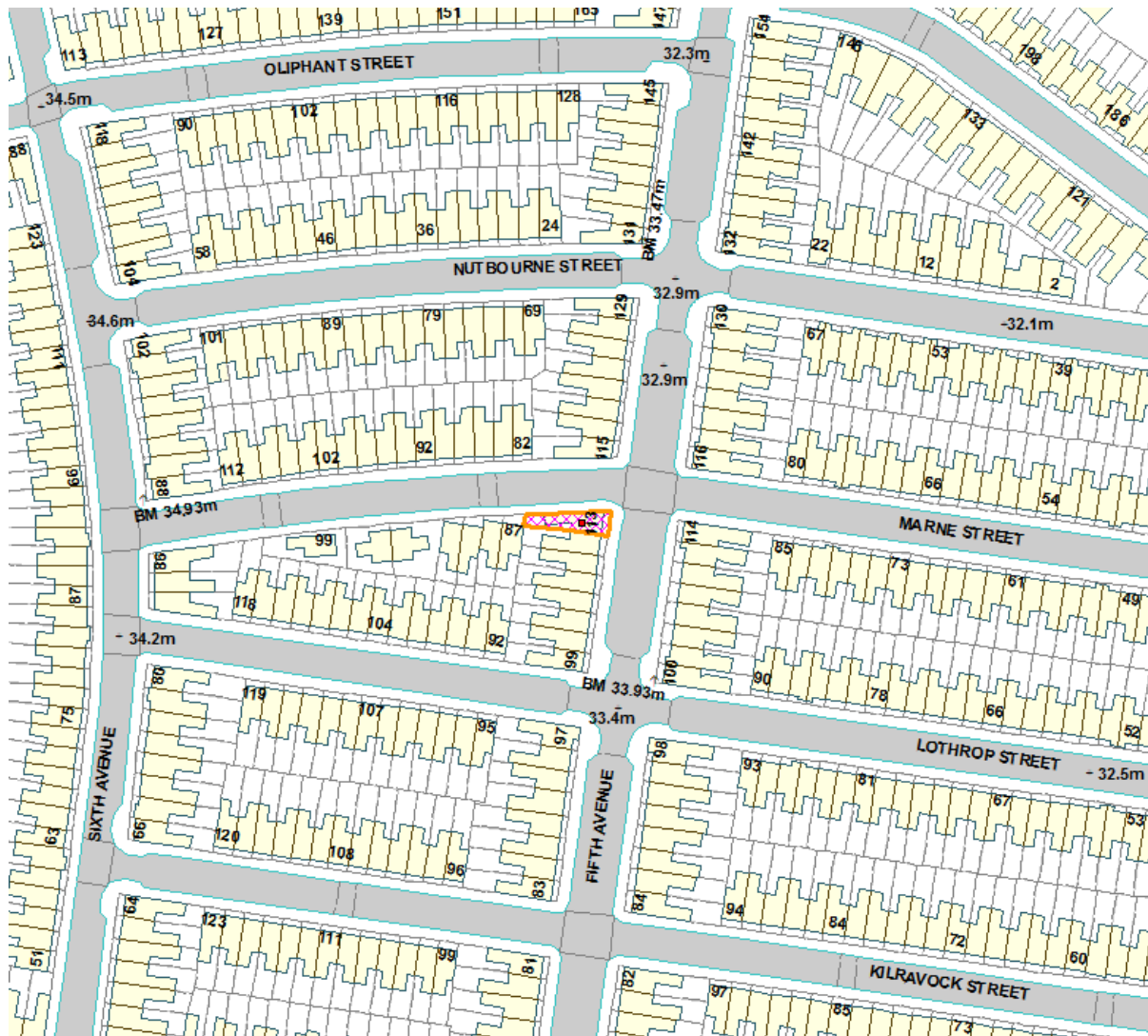
113 Fifth Avenue is a grade II listed house within the Queen's Park Estate Conservation Area. It occupies a corner site at the junction with Marne Street. The building is used as a single family dwelling. The proposal is to add a single storey rear extension. The size and design of the extension have been modified during the course of the application. Objections from the adjoining neighbour have been received on grounds of loss of light and increased sense of enclosure as a result of the extension.

The key issues for consideration are:

- The impact on the amenity of neighbouring residents; and
- The impact on the listed building and upon the conservation area.

Notwithstanding the objections received, the revised proposal is considered acceptable and would be in accordance with policies DES 1, DES 5, DES 9, DES 10 and ENV 13 of our UDP; and S25, S28 and S29 of our City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Application Site viewed from junction with Marne Street



Side return of 113 Fifth Avenue



5. CONSULTATIONS

QUEEN'S PARK COMMUNITY COUNCIL:

No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 7

Total No. of replies: 4

No. of objections: 4

No. in support: 0

4 e-mails of objection, commenting upon both the original design and on the revised design, have been received from the same respondent on the following grounds:

Amenity

- Loss of light
- Sense of enclosure

PRESS ADVERTISEMENT / SITE NOTICE: Yes

A revised ownership certificate has been provided during the course of the application, with notice served on the neighbour 1 August 2017. The recommendation therefore is to grant planning permission and listed building consent subject to no new issues being raised during the consultation period on the proposal under Certificate B which formally expires on 22 August 2017.

6. BACKGROUND INFORMATION

6.1 The Application Site

113 Fifth Avenue lies at the junction with Marne Street. It is a grade II listed building and lies within the Queen's Park Estate Conservation Area. It is a typical Queen's Park Estate building, dating from the 1880s and two storey in height. It has a slightly lower two storey rear wing and a small L-shaped garden area. The interior retains some original historic fabric, such as some surviving joinery, chimney breasts and staircase, but the plan form has been lost to some degree, particularly at ground floor level, which is largely open-plan within the main part of the house. The rear wing at ground floor level is occupied by a narrow galley-style kitchen and the yard area to the side of the rear wing is quite narrow and slightly splayed, ranging in width between 2m and 2.7m. The garden boundary between the application site and the neighbouring property to the south (no.111 Fifth Avenue) is a brick wall measuring 2m in height.

6.2 Recent Relevant History

There is no planning history which is directly relevant to the current proposal.

7. THE PROPOSAL

It is proposed to erect a rear extension which would infill the yard space to the side of the existing rear wing to create an enlarged kitchen. The works would include removing the side of the wall of the rear wing, blocking the existing internal door into the kitchen and forming a new internal door opening into the new kitchen in the position of the existing rear sash window, which would result in the removal of the sash window.

The initial application brought the extension to the full depth of the rear wing, with a brick gable end and involved raising the boundary wall by 600mm along the entire length of the extension. However, during the course of the application and in response to the objection raised on amenity grounds and officer concerns about design matters, the proposal has been amended, so that the infill extension is now stepped back from the rear wall of the wing and terminates in a glazed panel, rather than a brick gable; and the roof has been lowered in height so that the height of the boundary wall is now raised by 305mm.

The infill extension is lightweight in appearance, being predominantly glazed, with timber framing and lead dressing.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwellinghouse is acceptable in land use terms and would accord with Policy H3 in the UDP and Policy S14 in the City Plan

8.2 Townscape and Design

No.113 Fifth Avenue is typical of the houses within the Queen's Park Estate. Until the second half of the nineteenth century, the area now occupied by the Queen's Park Estate was agricultural fields. In 1874, 80 acres of land next to the Harrow Road were purchased for development by the Artisans, Labourers and General Dwellings Company, a housing co-operative founded in 1867 by William Austin. The company's purpose was to build decent accommodation for the working classes at a time when overcrowding and squalid living conditions were rife amongst the poor in London. The houses in the Queen's Park Estate were originally designed by Robert Austin in association with Rowland Plumbe, a young architect who went on to specialise in the provision of social housing. The estate was laid out in terraces of two storey cottages with gardens. Most of the housing within the estate is unlisted, but the houses on Fifth Avenue, between Ilbert Street and Kilburn Lane are grade II listed buildings, possibly because of their slightly grander nature. The primary significance of no.113 is considered to derive from its external appearance, its contribution to the group value of the area and as a component part of this historically important housing development.

In terms of the form of the extension it is considered acceptable in design terms with no adverse impact upon the listed building or the conservation area. The lightweight nature of the design and the slight set-back from the end of the rear wing will ensure that the extension appears as a subordinate addition, which maintains the legibility of the historic

building form. The position of the extension means that it will not be visible from street-views and will have very minimal private views and as such the character and appearance of the conservation area will be maintained.

With respect to the proposed alterations to the listed building, these will involve the loss of the rear sash window and a large part of the side wall of the rear wing; as well as the blocking of the original door into the kitchen. In the case of the window, the former opening will be partially blocked and the brick arch of the window will be preserved externally, thus maintaining a sense of the original arrangement. While the removal of the side wall will change the plan form of the rear wing, again a sense of this original space can be preserved by the presence of a downstand beam and in this case the wall has already been modified with modern windows inserted; and also the plan form to this building has been altered elsewhere. Finally, with regard to the loss of the original internal door, it is considered that it is possible for this to be retained and fixed shut rather than being disposed of and this can be addressed by condition.

As such the impact upon the listed building is quite minimal and the significance of the building is largely protected. The loss of the sash window and the wall of the side extension does result in a small degree of change, but this is not considered to harm the significance of the listed building.

8.3 Residential Amenity

The objections to this proposal have been raised on the grounds of having a harmful impact upon the residential amenity of the neighbouring property, specifically no.111 Fifth Avenue which lies immediately to the south and shares a boundary with the application property. The objections, both to the original proposal and the revised scheme relate to an increased sense of enclosure and loss of light.

In the amended scheme the boundary wall between 113 and 111 Fifth Avenue is proposed to be raised by 305mm for the length of the extension, which would be approximately 11.5m in length. Officers visited the neighbour to assess the impact of the extension.

In terms of enclosure, the existing outlook from the ground floor window of no.111 Fifth Avenue onto the rear yard is dominated by the rear wing to no.113. The ground floor layout to the living room however is open plan and also benefits from the front window. Whilst the rear environment is enclosed to an extent by the existing site conditions, the pitched roof form of the proposed extension and raising of the party wall by 305mm is not considered to result in a substantially different environment in enclosure terms, such that refusal of this application on these grounds could be sustained.

In terms of losses of sunlight, given the proposed extension is located to the north of No. 111 and would be against a two storey rear wing, pursuant to the advice of BRE's 'Site Layout Planning for Daylight and Sunlight' (Second Edition) (published 2011) ("the BRE Guide"), a sunlight assessment would not be required as losses would not be expected. With regards to daylight, the raising of the party wall as revised would not result in any discernible loss of daylight pursuant to the BRE Guide.

In these circumstances it is not considered that refusal of this application on amenity grounds could be supported or sustained.

8.4 Transportation/Parking

No issues arise from this proposal.

8.5 Economic Considerations

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

8.6 Access

No access issues arise.

8.7 Other UDP/Westminster Policy Considerations

No other policy considerations arise.

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.

9. BACKGROUND PAPERS

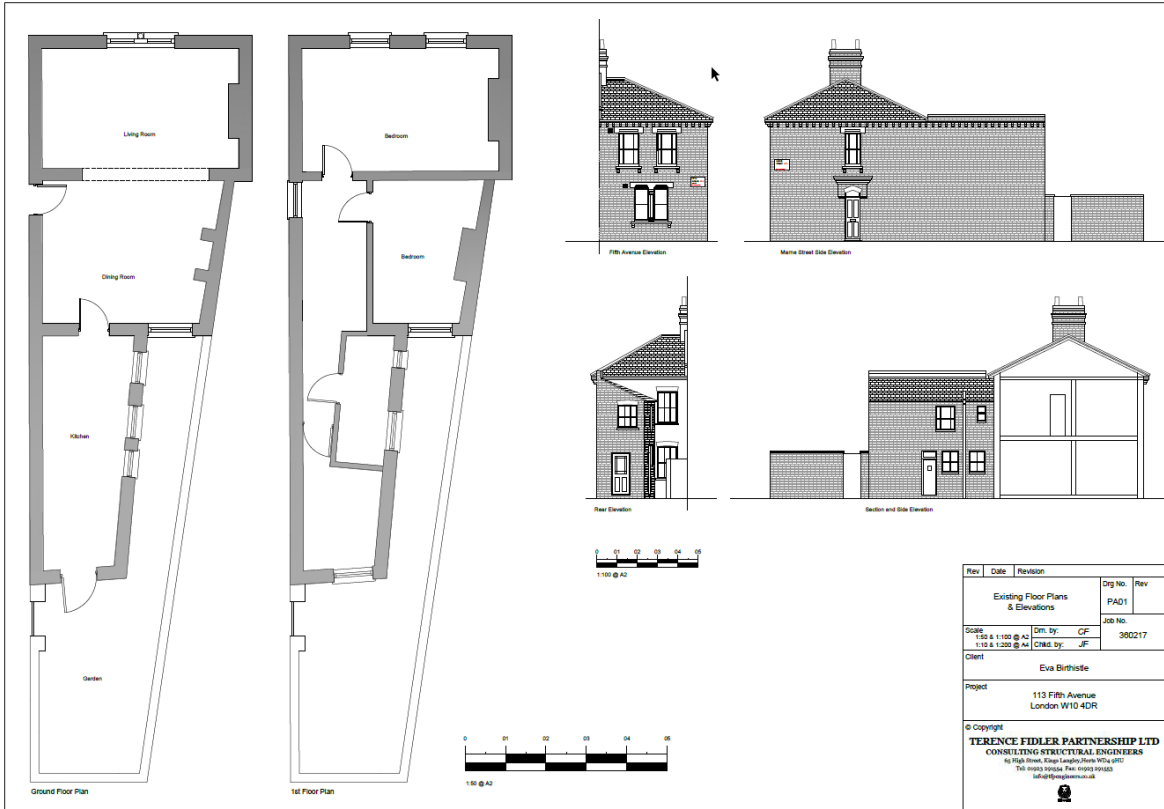
1. Application form
2. E-mail from occupier of 111 Fifth Avenue, London, dated 15 May 2017
3. E-mail from occupier of 111 Fifth Avenue, London, dated 18 July 2017
4. E-mail from occupier of 111 Fifth Avenue, London, dated 19 July 2017
5. E-mail from occupier of 111 Fifth Avenue, London, dated 24 July 2017

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

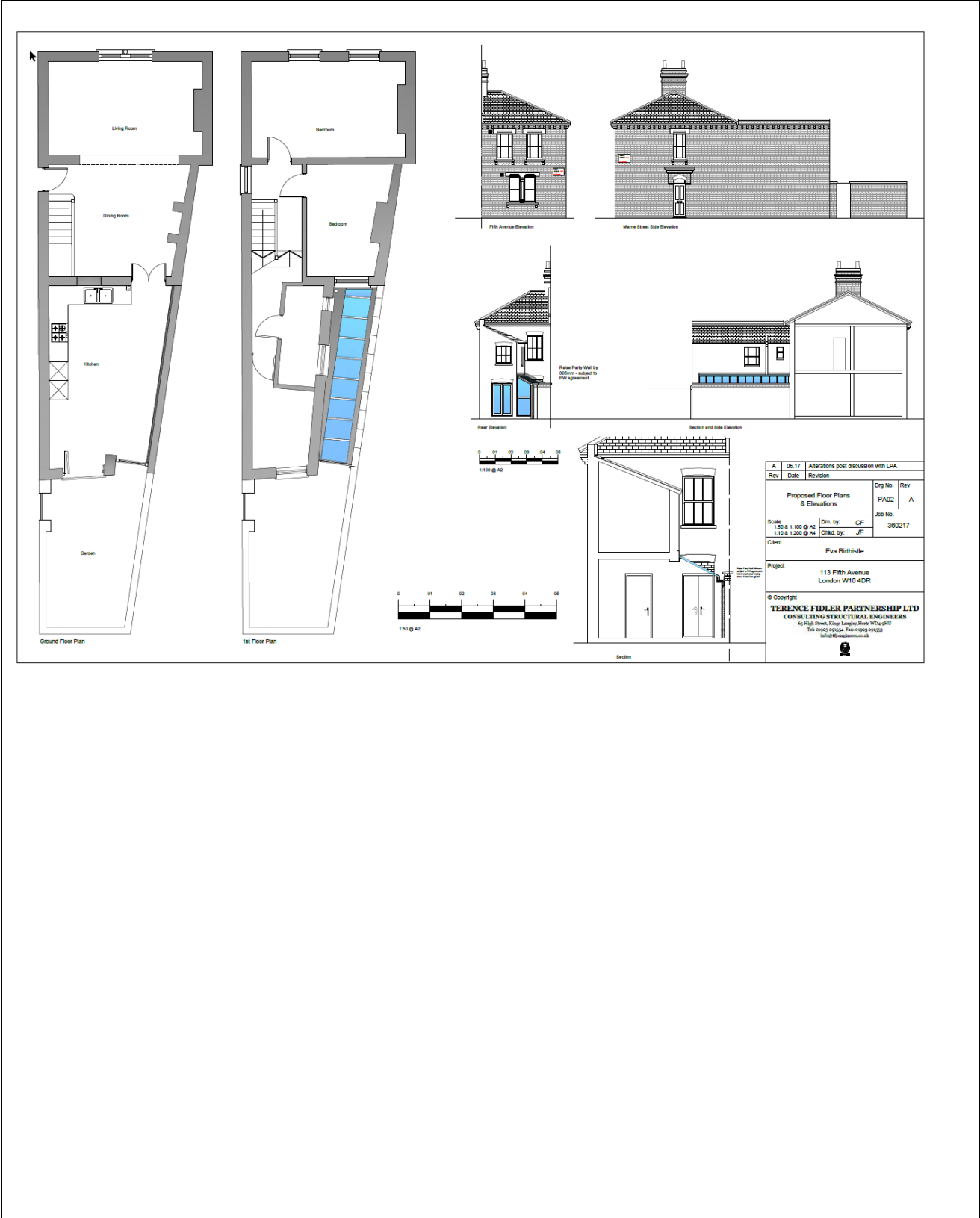
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SAM GERSTEIN BY EMAIL AT sgerstein@westminster.gov.uk

10. KEY DRAWINGS

Existing floor plans and elevations



Proposed floor plans and elevations



DRAFT DECISION LETTER

Address: 113 Fifth Avenue, London, W10 4DR

Proposal: Erection of a single storey side in fill extension.

Reference: 17/02978/FULL

Plan Nos: Site location plan; PA01; PA02/A.

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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. , ,

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

between 08.00 and 18.00 Monday to Friday; and
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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of full details of the following parts of the development: , framing details and colour finish to the infill extension both to the garden-facing panel and roof. , 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.

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 Queen's Park Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 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 building and to make sure the development contributes to the character and appearance of the Queen's Park Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 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 (November 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.

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: 113 Fifth Avenue, London, W10 4DR
Proposal: Erection of a single storey side in fill extension.
Reference: 17/02979/LBC
Plan Nos: Site location plan; PA01; PA02/A.

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

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 apply to us for approval of full details of the following parts of the development:
- i) framing details and colour finish to the infill extension both to the garden-facing panel and roof;
 - ii) detailed finish of modified sash window both internally and externally.

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.

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 Queen's Park Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 showing the following alteration(s) to the scheme:
- the original internal door between the current kitchen and the living room must be retained, but can be shown fixed shut as part of a blocking of the current opening.

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.

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 (November 2016) 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)

- 4 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 Queen's Park Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 March 2016, Westminster's City Plan (November 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 special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and 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)

Item No.
5

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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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Harrow Road	
Subject of Report	28 Shirland Mews, London, W9 3DY		
Proposal	Erection of a rear dormer extension at roof level to rear roof slope and installation of a rooflight to the front roof slope to enlarge existing dwellinghouse (retrospective application).		
Agent	Fuller Long Limited		
On behalf of	S Montakhab		
Registered Number	17/03252/FULL	Date amended/ completed	27 April 2017
Date Application Received	13 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is a late 20th Century mews house, which is not listed and is not located within a conservation area. The application seeks permission for the retention of a dormer extension to the rear roof slope and a rooflight which has been inserted in the front roof slope, which have already been constructed on site.

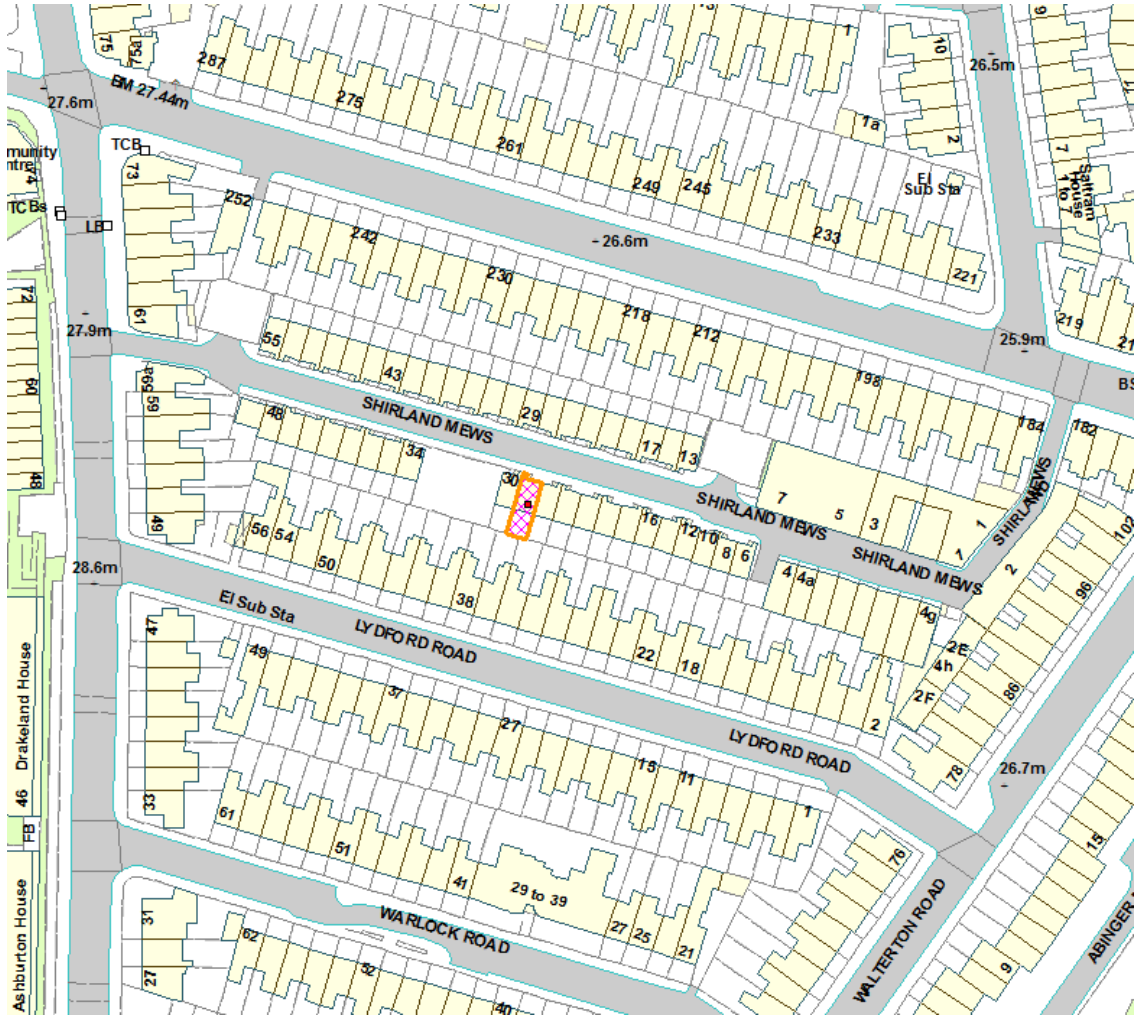
The application has attracted objection from Councillor Bush and one local resident.

The key consideration in this case is:

- The impact of the development on the appearance of the building and this part of the City.

Subject to conditions, including a condition to amend the form and design of the ridge of the building, the proposed development would be consistent with relevant land use, design and amenity policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). As such, the application is recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



As built front elevation (top) and as built rear elevation (bottom).

5. CONSULTATIONS

COUNCILLOR BUSH

Concern expressed that the structure has been built with disregard for the house itself and the needs of neighbours. Considers that the roof ridge should be reconstructed to match the existing pattern in the terrace, with vents as before. Does not consider that the dormer extension at No.27 opposite or the other rear dormers previously allowed under permitted development rights should provide justification for the 'as built' roofline being retained.

Concern expressed that should the application be approved, then further applications for dormers in the mews could have upstands to the ridgeline higher than that proposed in this case. Questions how, if permission is granted for retention with an amended ridge line in this case, this does not become a precedent for similar development in the future in Shirland Mews.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 9.

Total No. of replies: 1.

No. of objections: 1.

No. in support: 0.

One letter of objection received raising objection on grounds that the roof has galvanised metal instead of the original tiles and expressing concern about how the structure was built notwithstanding the statement that that issue does not affect them as it is not visible. Confirm that their primary concern is the appearance of the building from the mews.

ADVERTISEMENT / SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a single dwellinghouse, which is unlisted and is located outside a conservation area. The street is formed of buildings constructed as two storey houses in the later 20th century.

6.2 Recent Relevant History

12 Shirland Mews

24 July 2009 – Certificate of Lawfulness issued for erection of dormer to rear roof slope (09/03932/CLOPUD).

24 Shirland Mews

15 April 2015 – Permission granted for the erection of single storey rear extension and rear dormer (15/00804/FULL).

31 Shirland Mews

27 November 2014 – Certificate of Lawfulness issued for loft conversion with rear dormer and front rooflight (14/10781/CLOPUD)

47 Shirland Mews

12 January 2009 – Certificate of Lawfulness issued for loft conversion with rear dormer plus single storey rear extension (08/09963/CLOPUD).

7. THE PROPOSAL

The application seeks permission for the retention of a dormer extension to the rear roof slope and a rooflight which has been inserted in the front roof slope, which have already been constructed on site.

The roof extension that has been erected exceeds the ridge height of the original dwellinghouse and it is for this reason that the dormer extension that has been erected to allow a loft extension is not permitted development by virtue of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter the 'GPDO'). For this reason a planning application has been made seeking to retain the dormer roof extension and associated rooflight.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwellinghouse is acceptable in land use terms and would accord with Policy H3 in the UDP and Policy S14 in the City Plan.

8.2 Townscape and Design

Whilst the erection of a full width dormer extension would often be considered unacceptable in design terms, it is recognised that approval has been granted for an almost full width rear dormer at No.24 Shirland Mews and furthermore such roof extensions to these small mews houses often fall within the tolerances of permitted development. Hence, certificates of lawfulness have been issued for large rear dormers to the rear roof slopes of Nos.12, 31 and 47 Shirland Mews. Given this existing context and the potential for many more such dormers being erected on other dwellinghouses along this mews under permitted development rights, the principle of a full width rear dormer, as has been built, is considered acceptable.

The dormer incorporates two windows in the rear elevation of the dormer which are in line with the windows to first floor below and it is clad in brown/ red tiles, which is consistent with the roof covering to the front roof slope of the application property and the roofs of other properties in this modern terrace. A black gutter is incorporated into a slightly projecting fascia panel. Overall, given the discrete location of the dormer roof extension and its consistency with other previously erected dormers in the same terrace, it is considered to be acceptable in private views of the rear of the application property.

To the front the 'as built' dormer extension is more contentious in design terms as the height of the dormer means it is visible above the original ridge height of the building in views from Shirland Mews. It is this impact on the appearance of the building and the

impact on the wider terrace of which it forms a part, to which the neighbouring resident and Councillor Bush raise objections. Their concerns are principally two-fold, firstly that the dormer rises above the main central ridge line to roof level with an associated creation of an upstand rising above the height of the existing roof structure, and secondly that an area to the front roof slope immediately adjacent to the dormer is clad in what the objector refers to as a 'galvanised metal finish'. Officers concur that the ridge that has been constructed to date is unacceptable due to the adverse impact it has on the roof form of the building and the terrace.

As built the dormer is appreciably higher than the height of the main ridge of the roof of the building and the terrace as a whole and as a result the vertical upstand that has been created. The upstand rises approximately 10cm above the height of the ridge to the building and projects approximately 15cm forward of the centre line of the existing ridge. The upstand and an area of flashing (for weatherproofing purposes) to the roof stand out notably given their additional height above roof level and their grey colour seen against the darker red/ brown roof tiles of the roof of the building and the wider terrace.

In terms of the raised height of the ridge, it is a characteristic feature of this terrace that there are regular vent tiles which project above the height of the ridge to a similar degree to the 'as built' upstand, albeit the vent tiles appear in a more broken form along the terrace. Seen in this context, the height of the dormer could be acceptable, provided it is more successfully 'disguised' in views from Shirland Mews, so that it appears as a continuous part of the front roof slope of the terrace.

In order to mitigate the impact of the 'as built' ridge, an amending condition is recommended to secure the cladding of the front of the upstand in brown/ red tiling to match the colour of the existing roof tiles to the building. The recommended condition would also require the areas of grey flashing to the top of the front roof slope adjacent to the upstand (likely lead or similar, rather than galvanised metal as was suggested by the objector), to be clad in roof tiles to match those elsewhere to roof level. These measures would assist in harmonising the appearance of the ridge of the dormer with the appearance of the roof of the terrace. It is therefore considered that the recommended amending condition would overcome the concerns shared by officers, Councillor Bush and the objector.

The rooflight inserted in the front roof slope is relatively small and does not unduly clutter the front roof slope of the building. The rooflight is therefore considered acceptable in design terms. It is also of note that the rooflight would be likely to be permitted development under Schedule 2, Part 1, Class C of the GPDO without further amendment being necessary.

In summary, subject to the recommended amending condition set out in the draft decision letter appended to this report, the dormer roof extension and rooflight are considered to be acceptable in design terms and would accord Policies DES 1 and DES 6 in the UDP and Policy S28 in the City Plan.

8.3 Residential Amenity

The windows within the dormer are relatively small, and along the rear of the terrace each property already incorporates two windows at rear first floor level and typically a large ground floor opening onto the rear garden. There is therefore already a high degree of

mutual overlooking between the properties in Shirland Mews and Lydford Road, which are over 13m away. As such, it is not considered that the dormer windows proposed would give rise to an unacceptable degree of overlooking. To the front, the proposed rooflight is angled such that it does not afford views to properties opposite.

The dormer does not extend beyond the rear building line of the property and as such, whilst it is a relatively large structure, it would not give rise to an unacceptable impact in terms of loss of light or increased sense of enclosure.

As such, the proposed dormer and rooflight are considered to be acceptable in amenity terms and would accord with Policy ENV 13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/ Parking

Not applicable.

8.5 Economic Considerations

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

8.6 Access

The access arrangements in to this private dwellinghouse have not been altered.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

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.

This development is not liable to pay Mayoral CIL or Westminster CIL.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment

8.12 Other Issues

Reference is made by the objector as to how the dormer was constructed. This appears to be reference to whether or not the roof extension has been built in accordance with

Building Regulations. However, this is not a valid ground on which to withhold planning permission and is rather a matter dealt with under a different regulatory regime. As such this is not a ground on which planning permission could reasonably be withheld.

9. BACKGROUND PAPERS

1. Application form.
2. Email from Councillor Bush dated 13 June 2017.
3. Email from an unspecified surrounding resident dated 22 May 2017.

(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: SAMUEL GERSTEIN BY EMAIL AT sgerstein@westminster.gov.uk.

10. KEY DRAWINGS

FRONT ELEVATION
As existing

REAR ELEVATION
As existing

SIDE ELEVATION
Dormer typical

FRONT ELEVATION
Showing proposed modifications to finishes

TYPICAL SIDE ELEVATION
Showing proposed modifications to finishes

External finishes:
Dormer walls: Matching Plain Timbering
Dormer Roof: Plain Gls.
Joinery: Matching UPVC frames.

2.1.8. Semi-Wall on Axis 1/2/3/4:
Construction of the external dormer is based on the 1975 plan and proposals shown and shown on the Party Wall. The dormer will be constructed in accordance with the proposed work, together with foundations related to the wall. Details in this section shall be representative of the Axis.

GROUND FLOOR PLAN
Unaffected by the development

FIRST FLOOR PLAN
Showing new flight

LOFT FLOOR PLAN

ROOF PLAN
Existing and Proposed

© WAD Associates Ltd - MARCH 2017. The signed dimensions given in preference to reading. All dimensions to be checked on site. This drawing for Planning application purposes only. Any discrepancy to be reported immediately.

0 10 20m 30m 40m 50m
Scale 1:500

W.A.D. Ltd
ASSOCIATES
SAC, HANSON, BARNHAM, WILKINGTON, SUSSEX, BN11 7AH
TEL: 01243 8388 / 01243 838911 Email: info@wad.co.uk

Title: LOFT ROOMS
Including new rear Dormer

Address:
DELSHARD ROAD,
LONDON,
W9 3DE.

Date: MARCH 2017 **Scale:** 1/50(A1) **Drawn:** GPW

Drawings Number:
L-1676-02-02

DRAFT DECISION LETTER

Address: 28 Shirland Mews, London, W9 3DY

Proposal: Erection of a rear dormer extension at roof level, and installation of a rooflight to the front roof slope (retrospective application).

Reference: 17/03252/FULL

Plan Nos: Block Plan, Location Plan, L-1676M-02, letter from Fuller Long dated 13th April 2017.

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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

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

- o between 08.00 and 18.00 Monday to Friday; and
- 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 (November 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 the area. This is as set out in S28 of Westminster's City Plan (November 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 Within 3 months of the date of this decision letter, you must apply to us for approval of detailed drawings showing the following alterations to the scheme:

- The ridge to the centre of the roof, the upstand to the dormer roof extension and the adjacent front roof slope amended by the removal/ obscuring from view of the grey flashing and the addition of roof tiles and ridge tiles to match those use to the front elevation of this building and the wider terrace. (The submitted drawings must include a detailed section drawing at scale 1:5 which shows how the roof tiles and ridge tiles will be arranged to this area of the building, including the relationship with the tiles to the retained and new sections of roof slope).

You must not start any work on these parts of the development until we have approved what you have sent us. Then within 6 months of the date of this decision letter you must carry out the work according to the amended drawings we approve pursuant to this condition. (C26UB)

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 (November 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 The dormer to the rear roof slope shall be clad to its sides and rear elevations in tiles to match the colour and size of the existing roof tiles to the existing building.

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 (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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 (November 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 Condition 4 requires details of the amendments to the arrangement of tiles and ridge tiles to the main ridge level of the building and areas adjacent. It appears from site inspection that the existing flashing installed to roof level may extend further down the roof slope than the ridge vents to adjoining buildings, and the section drawing should show, as far as is possible and practicable, the ridge tiles matching the height and position of the ridge vents to adjoining building, with standard roof tiles used to cover any other areas of existing flashing or upstand.

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.