

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Addendum Report of Operational Director Development Planning		Wards involved Vincent Square	
Subject of Report	Flat 9, 8 Francis Street, London, SW1P 1QN		
Proposal	Erection of single storey extension and installation of green roof at third floor level.		
Agent	DP9		
On behalf of	Mr & Mrs J Pretorius		
Registered Number	14/06798/FULL	TP / PP No	TP/1831
Date of Application	10.07.2014	Date amended/ completed	10.07.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Westminster Cathedral		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





FLAT 9, 8 FRANCIS STREET, SW1

2. SUMMARY

This item was deferred at the Planning Applications Committee on 10 February 2015 for a Members site visit which has been scheduled for 9 March 2015.

The original Committee report for the 2006 approved scheme to develop the site stated in para 6.1.2:

"An additional storey is proposed on the main building. Given the scale of the surrounding buildings... the principle of an additional storey on the main building is considered acceptable. The proposed additional storey is sufficiently set back so as to appear as a recessive and subservient final storey of the building. The extent of glazing will also result in a visually lightweight appearance..."

The current proposal will not compromise the consideration given to the original scheme and the statement above remains valid. The extension will remain subservient to the existing roof extension and the main building and it will not be visible from the street. As such, the proposal remains acceptable in design and conservation area terms.

In terms of the application setting an unwanted precedent, each application is assessed on its own merits and this would not be a reason to withhold permission. The 2013 application which was withdrawn proposed an extension with a glass roof, doors that opened out onto the larger area of flat roof and a landscaping scheme that would require a high level of maintenance. It is for these reasons the application was not considered acceptable in amenity terms and was subsequently withdrawn. Officers consider that the current application has adequately addressed these issues.

The degree of maintenance required for the proposed green roof is infrequent. The schedule submitted with the application suggests that maintenance once a year during the autumn would be sufficient. There is no evidence to suggest that a green roof would fail in this location.

With regard to the concerns about potential light pollution, it is very unusual for purely internally used domestic lighting to give rise to nuisance to neighbouring properties. The levels of internal domestic lighting are relatively low and most occupiers will have curtains/blinds etc for privacy when lights are on at night. Given that the proposed extension has a solid roof and that the glazed elevations of the proposed extension are perpendicular to the Ashley Gardens windows, it is considered that permission could not be reasonably withheld on these grounds.

The applicant does not intend to use the roof as a terrace and a condition is recommended to prevent this, in the same way that a restrictive condition placed on the original permission to redevelop the site.

As previously reported to Committee, the application is recommended for approval.

3. CONSULTATIONS

No further consultation undertaken.

LATE REPRESENTATIONS RECEIVED AFTER PUBLICATION OF COMMITTEE REPORT FOR 10 FEBRUARY 2015 BUT REPORTED VERBALLY AT COMMITTEE ON THAT DATE:

WARD MEMBERS FOR VINCENT SQUARE

Raise objection on grounds of the negative impact on the conservation area and the setting of an unwanted precedent, the negative impact on roof profiles in the conservation area,

unwarranted impact on an unlisted building of merit, impact on local views, maintenance of the grassed roof and light pollution.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

Letters of objection have been received from two residents within Ashley Gardens, from the Ashley Gardens Residents Association and the Cathedral Area Residents Group raising objection on the following grounds:

Design

- Inconsistent with the Westminster Cathedral Conservation Area.
- Fundamental change to the roof profile.
- Inappropriate alteration to unlisted building of merit.
- Inconsistent with local views.

Amenity

- Light pollution.

Other

- Inconsistent with the public good.
- Inconsistent with original permission to develop the sorting office.
- Set an unwanted precedent.
- Question maintenance of grassed roof.

BACKGROUND PAPERS

1. Application form
2. Report to Planning Applications Committee dated 10 February 2015 and Background Papers.
3. Letter from the Vincent Square Ward Councillors dated 10 February 2015.
4. Letter from DP9 dated 9 February 2015.
5. Letter from the Ashley Gardens Residents' Association dated 6 February 2015.
6. Letter from the Cathedral Area Residents Group dated 5 February 2015.
7. Letters from the occupier of 145B Ashley Gardens dated 4 and 10 February 2015.
8. Letter from the occupier of 129A Ashley Gardens dated 4 February 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA JACKSON ON 020 7641 2934 OR BY E-MAIL – ajackson@westminster.gov.uk

**Planning Applications Committee (3)
Tuesday 10 February 2015**

7 FLAT 9, 8 FRANCIS STREET, SW1

Erection of single storey extension and installation of green roof at third floor level.

Late representations from the Ward Councillors, DP9, on behalf of the applicants and the objector at 145B Ashley Gardens were circulated. Councillor David Harvey addressed the committee.

During the course of the presentation the presenting officer tabled the following revised conditions:

With the exception of the door way in the north elevation, the north and south elevation of the extension hereby approved must not have any openable windows or doors. The roof of the extension must be provided as a solid roof as shown on the approved drawing and thereafter remain as such. The door within the northern elevation must only be used as a means of escape in case of emergency or for maintenance purposes.

RESOLVED:

That consideration be deferred for a site visit.

APPENDIX

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 February 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved Vincent Square	
Subject of Report	Flat 9, 8 Francis Street, London, SW1P 1QN		
Proposal	Erection of single storey extension and installation of green roof at third floor level.		
Agent	DP9		
On behalf of	Mr & Mrs J Pretorius		
Registered Number	14/06798/FULL	TP / PP No	TP/1831
Date of Application	10.07.2014	Date amended/ completed	10.07.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Westminster Cathedral		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. **RECOMMENDATION**

Grant conditional permission.



2. SUMMARY

No. 8 Francis Street forms part of the former South West Delivery Office site which has subsequently been developed to provide a range of uses including nine residential units. The building is unlisted but is located within the Westminster Cathedral Conservation Area. Permission is sought to erect a single storey extension and create a green roof to a flat roof at third floor level in connection with Flat 9.

The key issues for consideration are:

- The impact of the proposals on the appearance of the building and character of the surrounding Westminster Cathedral Conservation Area.
- The impact of the proposals on the amenity of neighbouring residents.

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

3. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 119; Total No. of Replies: 13.

Letters have been received from and on behalf of occupiers within Ashley Gardens and the Ashley Gardens Residents' Association raising objection on the following grounds:

Amenity

- Noise from open windows and doors;
- Loss of privacy;
- Light pollution from extension and lighting of terrace;
- Conversations within Ashley Gardens could be overheard;
- Loss of daylight;
- Plants may grow above parapet casting shadow and resulting in loss of light.

Other

- Proposals would breach the requirements of the original permission;
- The original condition that the roof is to be used for maintenance only should be upheld;
- Green roof would attract pigeons and other vermin;
- Query ownership of roof, what is beneath the roof and who would be responsible for damage.

4. BACKGROUND INFORMATION

4.1 The Application Site

The application building is unlisted but is located within the Westminster Cathedral Conservation Area. The building comprises a number of different addresses on Howick Place and Francis Street relating to the various uses within which include a creative design and arts centre, offices, a retail showroom, a Royal Mail collection office and nine residential flats.

The site is surrounded by Howick Place and Francis Street on three sides and the mansion blocks on Ashley Gardens separated by a narrow vehicular service lane to the south and south west. The application specifically relates to Flat 9 which is located to the south of the site fronting Francis Street, adjacent to the party wall with the residential mansion blocks 9 and 10 of Ashley Gardens, each of which contains 32 flats.

4.2 Relevant History

Planning permission was granted in August 2006 for modifications to the former South West Delivery Office including the erection of an additional glazed storey, rooflights, plant and alterations to fenestration in connection with use of building as a Creative Design and Arts Centre, offices, a retail and/or retail showroom, Royal Mail Public Collection Office, nine self-contained residential flats and a community safety office with 10 car parking spaces at ground floor level.

Planning permission was granted in June 2010 for alteration to Flat 9 including the installation of glazed sliding doors, a green wall and planter shelf to the inside face of the external parapet wall to Francis Street, one new door and the installation of a flue to the roof.

A planning application was withdrawn in November 2013 for alteration to Flat 9 including a single storey extension to create a room which would open onto a landscaped garden which included decking. The application was not considered acceptable from a residential amenity perspective on the grounds that the garden would require a high level of maintenance and a door from the extension accessing the garden directly would encourage the roof to be used as a terrace.

5. THE PROPOSALS

Permission is sought for the erection of a single storey extension on part of a flat roof at third floor level in connection with Flat 9. The extension would accommodate approximately 23m² of additional residential floorspace. It would have a solid roof, glass sides and a door opening to the north elevation for maintenance purposes. A green roof is proposed to the remainder of the flat roof which is not to be used as a terrace.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal to extend this residential flat is considered acceptable in principle and is in line with Policy H3 of the UDP and S14 of the City Plan.

6.2 Townscape and Design

In design terms, the proposed extension would not be visible from street level and the green roof would provide an improved aspect for the flat. The extension would feature a solid metal roof to match the roof of the existing extension and it would have glass sides. The works would be visible from the upper floors of Ashley Gardens. The extension is of a modest scale largely set below the high boundary parapet wall facing towards Ashley Gardens.

It is considered that the proposals will not harm the character and appearance of the conservation area or the host building and as such complies with Policies S25 and S28 of the City Plan and Policies DES1, DES5, DES6 and DES9 of the UDP.

6.3 Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

On the west boundary of the site a tall parapet wall surrounds the majority of the third floor flat roof adjacent to Ashley Gardens. It is approximately 3m tall and 3m in distance from the

Item No.

closest windows in Ashley Gardens. Lower sections of parapet wall exist to the northern and southern most ends of the flat roof.

The flat roof outside Flat 9, both inside the parapet on Francis Street and the area inside the parapet facing Ashley Gardens, is not currently used as a terrace. This has been the case since the conditions to restrict its use have been attached to the original consent in 2006 and the subsequent consent for alterations in 2010.

The proposed extension would be modest in size and would be located towards the northern end of the flat roof. The extension would be 3m tall where it meets with the parapet wall, rising to 3.4m in height where the pitched roof meets the existing extension. It would be set back from the northern most boundary in a triangular section, approximately 2m from the lower section of parapet wall, narrowing where it meets the taller section of parapet wall.

The extension would be accessed by a single door from the kitchen within Flat 9. It would have a solid metal roof to match the roof of the existing extension and would have two glass sides. The north elevation would include an access door which leads to the remaining small triangular section of flat roof which is only to be used for maintenance purposes.

The remainder of the flat roof would be covered with a modular green roof system which comprises of low level vegetation within plastic carriers. The required maintenance of the green roof would be minimal. The schedule submitted as part of the application recommends that maintenance be undertaken once a year in the autumn.

The applicant has made it clear that this application does not seek the use of the flat roof as a terrace and that access is only required for maintenance purposes or in case of an emergency. The green roof has deliberately been chosen to preclude the use of the roof for walking on or placing tables and chairs for which it is not suitable.

The proposed extension would for the most part be screened by the existing tall boundary wall. Those windows in Ashley Gardens located above the tall boundary wall would look down on the solid roof and/or its glazed flanks. It would also be possible for some of the side bay windows within Ashley Gardens, located to the north, to view the proposed extension through the lower parapet wall section, although this would not be dissimilar to the relationship those windows have with the existing windows in the development such as the kitchen window to Flat 9.

It is considered that a combination of the design and location of the extension, with the addition of a condition to prevent openings in its roof and southern elevation, and the door in the northern elevation to only be used for maintenance or emergency purposes, that the extension would not result in an unacceptable loss of amenity including increased noise and light pollution, or loss of light, sufficient to justify refusing permission.

With regard to the flat roof and the installation of the green roof, subject to the imposition of a condition similar to those attached to the permissions granted in 2006 and 2010, to prevent its use as a terrace, the installation of a green roof will not result in an unacceptable loss of amenity including loss of privacy or increased noise.

Subject to conditions the proposals are considered acceptable in amenity terms and will accord with Policies S29 of the City Plan and ENV13 of the UDP.

6.4 Transportation/Parking

It is not considered that the small extension to this residential unit would have a material impact on traffic generation or on-street parking pressure in this area.

6.5 Economic Considerations

Not applicable.

6.6 Other UDP/Westminster Policy Considerations

Not applicable.

6.7 London Plan

The application is not referable to the Mayor and is not considered to raise strategic issues of any significance.

6.8 National Policy/ Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan even if there is a limited degree of conflict with the framework. The City Council is now required to give due weight to the relevant policies in existing plans 'according to their degree of consistency with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

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

6.9 Planning Obligations

The proposals are of insufficient scale to generate a requirement for any planning obligations.

6.10 Environmental Assessment

The proposals are of an insufficient scale to require an environmental assessment.

6.11 Other

The queries relating to property ownership and where the liability for potential damage falls are not valid planning considerations. They are private matters that would need to be dealt with by the relevant property owners.

6.12 Conclusion

The application is considered acceptable in design, conservation and amenity terms, in accordance with Policies S25, S28 and S29 of the City Plan and Policies ENV6, ENV13, DES1, DES5, DES6 and DES9 of our UDP, subject to the conditions set out in the draft decision letter.

Item No.

BACKGROUND PAPERS

1. Application form.
2. Letter from the Westminster Society dated 12 August 2014.
3. Letter from 140B Ashley Gardens dated 20 August 2014.
4. Two letters from 125A Ashley Gardens dated 20 August and 12 October 2014.
5. Letter from 141B Ashley Gardens dated 23 August 2014.
6. Three letters from 129A Ashley Gardens dated 24 August and 14 September 2014.
7. Two letters from 145B Ashley Gardens dated 27 August and 9 September 2014.
8. Letter from 136B Ashley Gardens dated 29 August 2014.
9. Letter from the Ashley Gardens Residents' Association dated 23 September 2014.
10. Letter from 130A Ashley Gardens dated 18 September 2014.
11. Letter from 131A Ashley Gardens dated 20 September 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY E-MAIL – mmason@westminster.gov.uk

DRAFT DECISION LETTER

Address: Flat 9, 8 Francis Street, London, SW1P 1QN

Proposal: Erection of single storey extension and installation of green roof at third floor level.

Plan Nos: EX01; EX02; DET90_1 RevA; GA01; GA02A; GA03; GA04; GA05; GA06; GA07;
Site location plan; Grufe Maintenance Schedule; Supporting Information dated 11 August 2014;

Case Officer: Vincent Nally **Direct Tel. No.** 020 7641 5947

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westminster Cathedral Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The areas of flat roof at third floor level shown on drawing number DET90_1RevA (both inside the parapet on Francis Street and the areas inside the parapet facing Ashley Gardens) shall not be used for sitting out or for any other purpose other than as a means of escape in case of emergency or for maintenance purposes.

Reason:

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

- 5 With the exception of the door way in the north elevation, the north and south elevation of the extension hereby approved must not have any openable windows or doors. The roof of the extension must be provided as a solid roof as shown on the approved drawing and thereafter remain as such. The door within the northern elevation must only be used as a means of escape in case of emergency or for maintenance purposes.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

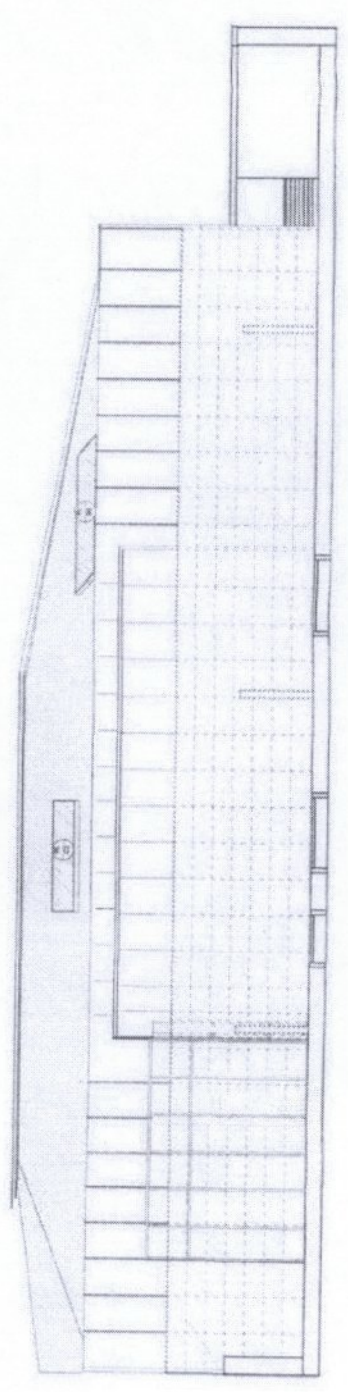
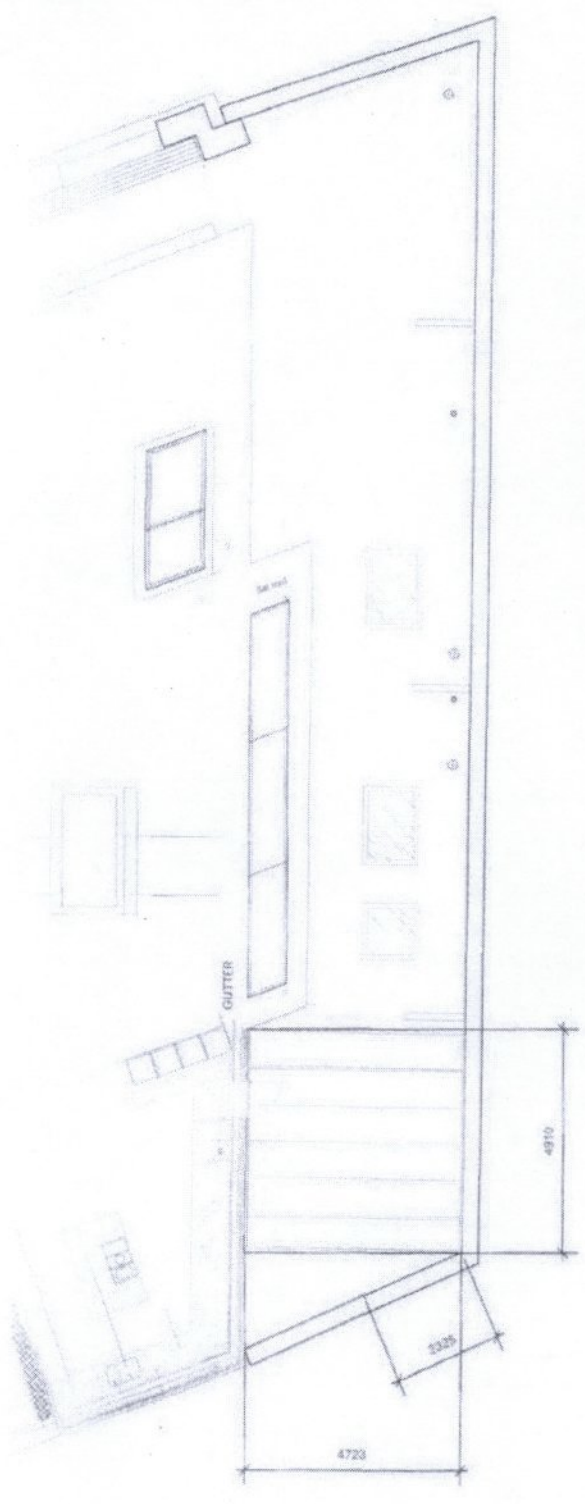
Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

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

Phone: 020 7641 2000

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

- 4 With regard to Condition 4, and for the avoidance of doubt, the maintenance of the green roof should only be carried out once each year in accordance with the submitted Grufe maintenance schedule.



For information
 SCALE: 1:1000
 3 Howard Place, London WC1A 3JH

Architect: 25 Grosvenor Gardens

DATE	NO.	BY	REV.

Paul McAneary
 Architects Ltd

