

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 June 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Thrutchley House, 1 Bickenhall Street, London, W1U 6BN,		
Proposal	Variation of condition 9 on planning permission dated 26 August 2014 (RN: 14/05948/FULL) for the 'Use as three residential units (Class C3) with a new entrance at ground floor level, roof extension, installation of plant and associated external alterations, erection of a garage in south west parking area': Namely, to reduce the amount of obscure glazing in the rear elevation.		
Agent	Iceni projects Ltd		
On behalf of	FW properties		
Registered Number	16/01740/FULL	Date amended/ completed	26 February 2016
Date Application Received	26 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant condition permission

2. SUMMARY

On 26 June 2014 permission was granted for alterations including a roof extension in connection with the conversion of the building from offices (Class B1) into 3 x residential flats. The residential comprising 2 x 2 bed units at ground and first floors and a 3 x bedroom maisonette at 2nd and new 3rd floor levels. The scheme included the provision of new larger windows at rear 1st to 3rd floor levels comprising six vertical panes.

Given the proximity of adjacent existing residential at Bickenhall Mansions to the west and 113 Baker Street to the east, in order to prevent overlooking the applicant proposed to install obscure glazing in the four outer window panes, leaving the two central window panes with clear glazing. The permission granted on 26 June 2014 was subject to a condition (No 9) which required samples of the obscure glazing to be approved and permanently retained.

Building works have now been completed and the flats are ready for occupation. The applicant has

installed four pane vertical rear windows. Currently all the glazing is clear.

The application seeks to vary condition 9 on permission dated 26 June 2014 to enable the central window panes to remain as clear glazing and require only the outer two window panes to be fitted with obscure glazing.

The single issue for consideration is the impact that this change would have in amenity terms and specifically if it would result in a material increase in overlooking and a loss of privacy to existing residents.

In response to consultations two objections have been received, both from residents at Bickenhall Mansions an adjacent residential building to the west. One of the objections refers to increased overlooking to a bedroom, the other refers to restricted access to a reconstructed garage which was part of the original permission and is not however directly relevant to the current application.

The orientation of the rear of the application premises and Bickenhall Mansions does result in a degree of mutual overlooking between the respective buildings. However given the oblique angle between the buildings the overlooking is only apparent close to the face of the windows. When situated further within the rear rooms at the application premises there is no direct overlooking to Bickenhall Mansions. Allowing the full central window panes to be fitted with clear glass would marginally increase mutual overlooking but this would only occur in a very small area of the rear rooms. It is considered that the proposed change would not result in a material worsening in the overlooking that would be experienced and there would be no significant loss of privacy. Furthermore the extent of overlooking that would result is not uncommon for a central London location.

It is therefore recommended that permission is granted to vary the condition as proposed. The applicant is advised that the outer window panes should be fitted with obscure glazing and not the clear glazing as is currently installed.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Rear Elevation



View from Rear Application Window



5. CONSULTATIONS

Marylebone Association:

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 284

Total No. of replies: 2

No. of objections: 2

No. in support: 0

2 objections received raising the following issues.

Amenity

Overlooking, loss of privacy

Other

Access to parking spaces to the rear of the block is restricted, construction of a garage would add to congestion.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

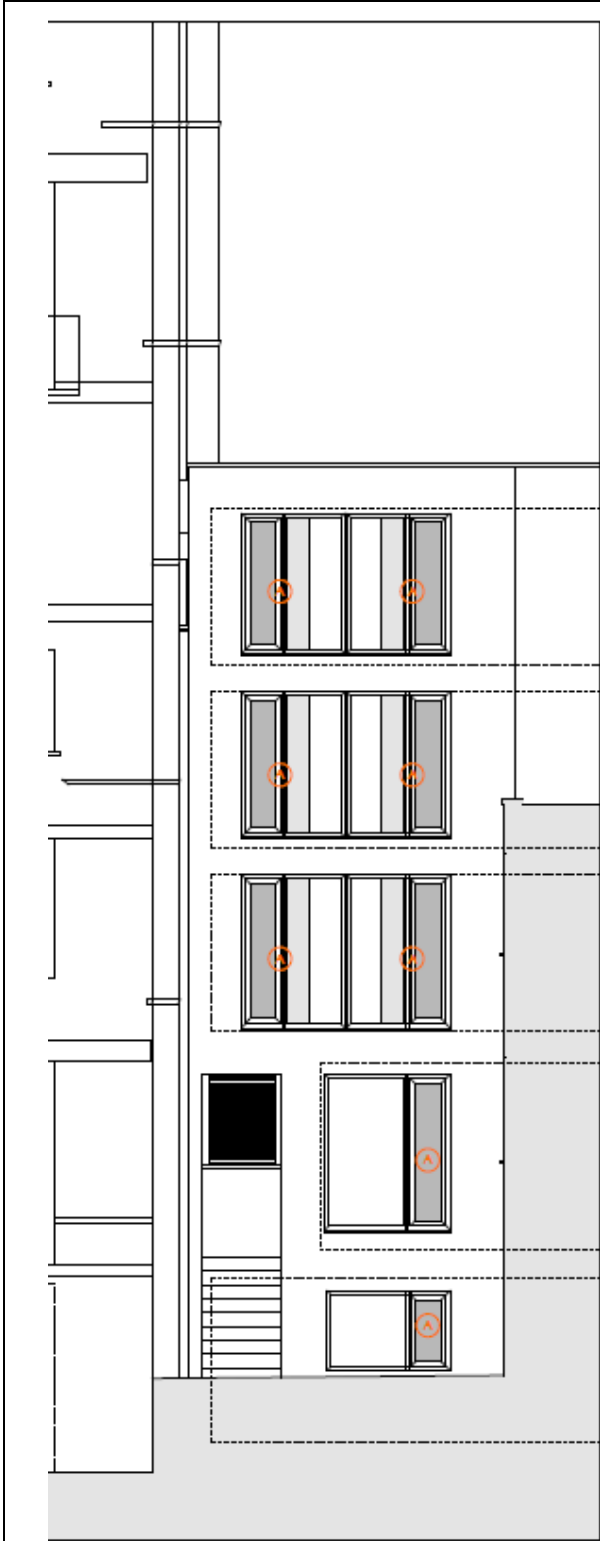
1. Application form
2. Letter from owner/ occupier of Penthouse 5 Bickenhall Mansions Bickenhall Street , dated 20 March 2016
3. Letter from owner/ occupier of 163 Bickenhall Mansions, Bickenhall Street, dated 28 March 2016

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MIKE WALTON ON 020 7641 2521 OR BY EMAIL AT mwalton@westminster.gov.uk

7. KEY DRAWINGS



CONSENTED REAR (SOUTH) ELEVATION
(APPROVED DRAWING 5084(PA6)_02_121)



PROPOSED REAR (SOUTH) ELEVATION
(OBSCURED GLAZING REMOVED)

Item No.

7

DRAFT DECISION LETTER

Address: Thrutchley House, 1 Bickenhall Street, London, W1U 6BN

Proposal: Variation of condition 9 of planning permission dated 26 August 2014 (RN: 14/05948/FULL) for the "use as three residential units (Class C3) with a new entrance at ground floor level, roof extension, installation of plant and associated external alterations, erection of a garage in south west parking area". Namely, to vary the approved drawing numbers to reduce the amount of obscured glazing required.

Plan Nos: 5084(PA6)-02_100/A; 5084(PA6)-02_101A; 5084(PA6)-02_102;
5084(PA6)-02_103; 5084(PA6)-02_104; 5084(PA6)-02_105; 5084(PA6)-02_110;
5084(PA6)-02_111; 5084(PA6)-02_120;

5048 (PA6)_02-106; 5048 (PA6)_02-107; 5048 (PA6)_02-122; 5048 (PA6)_02-123;

5084(PA6)-32_203

5084(PA6)-32_205

5084(PA6)-32_206

5084(PA6)-32_207

5084(PA6)-32_208

5084(PA6)-32_209

As approved 26 June 2014 RN 14/05948/FULL

5084 (PA6)-09-121 (current application)

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 4 You must provide details including drawings of cycle storage with spaces for a minimum of 3 bicycles for residents of the flats. You must not start work until we have approved what you have sent us. You must then carry out the work according to the drawings, and thereafter the cycle spaces must be retained and the spaces used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

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

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

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

- 7 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate 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)

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

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 Portman Estate 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)

- 9 The areas of obscured glazing (shaded in light grey) shown in approved drawing 5084(PA6)_09_121 which are to be installed in the new windows in the south facing rear elevation of the building must not be clear glass, and you must fix these parts permanently shut. You must apply to us for approval of a sample of the obscured glass (at least 300mm square). You must not start work 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: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 10 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 units. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 11 The garage hereby approved shall be completed in its entirety prior to the occupation of the flats hereby approved and the garage shall be used solely for the parking of vehicles of people living in the three flats hereby approved at 1 Bickenhall Street.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 12 You must not use the garage for trade or business purposes or as living accommodation.

Reason:

Any other use of the garage would harm the environment of residents and the area generally. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22DC)

- 13 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the sedum planted garage roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 14 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- sedum planted garage roof

You must not remove any of these features, unless we have given you our permission in writing

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

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 Your attention is drawn to condition 9 on this permission which requires that the outer window panes of windows at rear 1st to 3rd floors to be fitted with obscure glazing and not the clear glazing that has been installed. We may take legal action to ensure that obscure glazing is installed.