

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 27 September 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Selwyn House, 15 Cleveland Row, London, SW1A 1DH,</b>		
<b>Proposal</b>	Erection of extensions at third floor level and roof level to create new fourth floor loft level and associated alterations including mechanical plant and rooflights in connection with enlargement of single family dwellinghouse.		
<b>Agent</b>	GMA Architecture Ltd		
<b>On behalf of</b>	Mrs Rusdan Makhashvili		
<b>Registered Number</b>	16/00854/FULL	<b>Date amended/ completed</b>	7 March 2016
<b>Date Application Received</b>	1 February 2016		
<b>Historic Building Grade</b>	Unlisted Building of Merit		
<b>Conservation Area</b>	St James's		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Selwyn House is identified as an unlisted building of merit in the St. James's Conservation Area Audit. The building is on an island site at the western end of Cleveland Row, overlooking Green Park. It comprises basement, lower ground, garage level, ground and three upper floors, and was converted to a single family dwellinghouse in 2011.

Planning permission is sought for an infill extension at third floor level and a roof extension to create a new fourth floor loft level and associated alterations including mechanical plant and rooflights in connection with enlargement of single family dwellinghouse.

The key issues are:

- \* The impact of the proposal on the character and appearance of nearby listed buildings and the St. James's Conservation Area.
- \* The impact on the amenity of neighbouring residents.

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The proposed development is considered to be acceptable in land use, design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). As such, it is recommended that conditional planning permission is granted.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



Selwyn House, 15 Cleveland Row  
Front elevation



**Selwyn House, 15 Cleveland Row  
Rear elevation**

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 18; Total No. of Replies: 6

Objections received from residents and commercial occupiers opposite on some or all of the following grounds:

#### Amenity

- Loss of daylight and sunlight to adjoining residential windows and terraces at Nos. 9 – 13 Cleveland Row.
- Loss of airflow.

ADVERTISEMENT/SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Selwyn House, 15 Cleveland Row is identified as an unlisted building of merit in the St. James's Conservation Area Audit. The building is on an island site at the western end of Cleveland Row, overlooking Green Park and in close proximity to the Stable Yard entrance to St. James's Palace. It comprises basement, lower ground, garage level, ground and three upper floors, and was recently in use as offices before it was converted to a single family dwellinghouse in 2011.

### 6.2 Recent Relevant History

#### 16/01438/FULL

Replacement of garage doors with new garage doors to the rear elevation.

Application Permitted                      12 April 2016

#### 15/04624/FULL

Internal alterations at ground floor level to create additional internal car parking and car lift.

Application Permitted                      28 August 2015

#### 14/06514/FULL

Excavation to lower the basement floor level and create a basement extension with swimming pool under rear of property, rear lower ground floor infill extension, installation of enclosure and mechanical plant at main roof level and associated external alterations including replacement garage door, windows, doors and new rooflights.

Application Permitted                      6 January 2015

10/09260/FULL

Use as a single dwelling house (Class C3).

Application Permitted 11 January 2011

## **7. THE PROPOSAL**

Planning permission is sought for the erection of an extension at third floor level and main roof level to create a new fourth floor loft level and associated alterations including mechanical plant and rooflights in connection with enlargement of the existing single family dwelling house.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The extension would enlarge the existing third floor level and provide two additional bedrooms within the new loft level. In land use terms the creation of a larger single family dwelling house is considered to be acceptable in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

### **8.2 Townscape and Design**

A new infill extension is proposed at third floor level which will raise the height of the existing parapet wall to the south east elevation. A new decorative cornice will be introduced to match that on the other elevations and this element of the proposal is considered acceptable in design and conservation terms.

The existing horseshoe roof is to be removed and a new 40 degree pitched roof with flat top introduced which will be 0.75m higher than existing. The limited increase in ridge height will not be readily visible from the street and only glimpses of the new roof will be seen from Green Park through the existing bottle balustrade. The new roof will be constructed with natural slate and conservation rooflights and it is recommended that the details be secured by condition.

An open top plant enclosure is proposed within an existing brick structure and will not harm the appearance of the building. The proposals are therefore considered acceptable in design and conservation terms in accordance with policies DES 1, DES 5, DES6 and DES9 of the UDP and S28 of Westminster's City Plan: Strategic Policies.

### **8.3 Residential Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Objections have been received from adjoining residential and commercial occupiers within nos. 9-13 Cleveland Row (nos.9, 10 and 11 are in residential use and nos. 12 and 13 are in office use) on the grounds that the proposals will result in a loss of daylight and sunlight to their properties. The proposed infill extension at third floor level is opposite these properties.

The application property is separated from the adjacent properties at nos. 8-13 Cleveland Row by a narrow street, whose front windows face directly onto the south east flank elevation of the application building, which is also higher than these properties. As a result these properties already experience relatively poor levels of light and outlook. The applicant has carried out an assessment on surrounding properties using the BRE guidelines: Site Layout Planning for Daylight and Sunlight 2011.

### **Daylight VSC**

The BRE guidelines suggest that a 27% Vertical Sky Component (VSC) is indicative of a 'good level' of daylight. The BRE guidelines state that daylight levels may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. Should windows achieve sufficient levels of VSC they are seen as compliant in terms of daylight.

Of the windows tested, two windows within no.10 Cleveland Row at second and third floor level will experience reductions in VSC exceeding BRE targets. The applicant's daylight report incorrectly identifies this property as commercial, however, it is in use as a single family dwelling house. These windows currently receive a relatively low level of daylight (8.4% and 15.8% VSC) and following the development would experience VSC levels of 6.5% and 12.06%. The actual loss in VSC to these windows is therefore relatively minor (approximately 3%), however, the low starting point significantly exacerbates the percentage losses. These rooms are also served by a further window which are VSC compliant and the rooms appear to be in use as bedrooms and are not therefore main habitable rooms.

### **Daylight Distribution**

The applicants has also carried out the Daylight Distribution test whereby a room may be adversely affected if, following the development, the area of the working plane that can receive direct skylight is less than 0.8 times its former value.

The rooms within 10 Cleveland Row pass the daylight distribution test, however, two windows within No.9 Cleveland Row at third floor level fail to achieve the residential daylight standard. The applicants daylight report also incorrectly identifies this property as commercial, however, the property is in use as a single family dwelling house. These rooms currently receive low daylight distribution levels (3.71% and 6.46 existing) and following the development the area of the working plane that would receive direct skylight would be 2.2 and 4.01 (0.59 and 0.62 times its former value). Again the low starting point significantly exacerbates the percentage losses and given the rooms location at third floor level it is unlikely to be in use as a main habitable room.

### **Sunlight**

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of

APSH during the winter months. The front windows within nos. 8 – 13 Cleveland Row are not within 90 degrees of due south and as such do not need to be tested.

Given the close relationship between the application building and 8-12 Cleveland Row, these properties already experience a poor level of light and outlook. Whilst there will be transgressions in excess of the BRE guidelines to two rooms in Nos. 9 and 10 Cleveland Row, it is not considered that the application could reasonably be refused on amenity grounds.

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

The dwelling has two existing off street car parking spaces which will be unaffected by the proposals. It is not considered that the creation of a larger house would have a material impact on traffic generation or on-street parking pressure in this area.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The application does not propose any alteration to the existing means of access to this private residential dwelling.

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

##### **Mechanical Plant**

Mechanical plant is proposed at roof level in the same location as previously approved on 06 January 2015. Conditions are recommended to secure an acoustic report to ensure that the plant complies with the Council's standard noise condition.

#### **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**

An Environmental Impact Assessment is not required for a scheme of this size.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Response from Westminster Society dated 29 March 2016.
3. Letter from occupier of Stornoway House, 13 Cleveland Row dated 13 May 2016.
4. Letters from the occupier of 9 Cleveland Row dated 10 July 2016.
5. Letter from occupier of 10 Cleveland row dated 9 May 2016.
6. Letter from occupier of Right of Light Consulting on behalf of 12 & 13 Cleveland Row dated 21 June 2016.
7. Letter from occupier of 11 Cleveland row dated 6 May 2016.

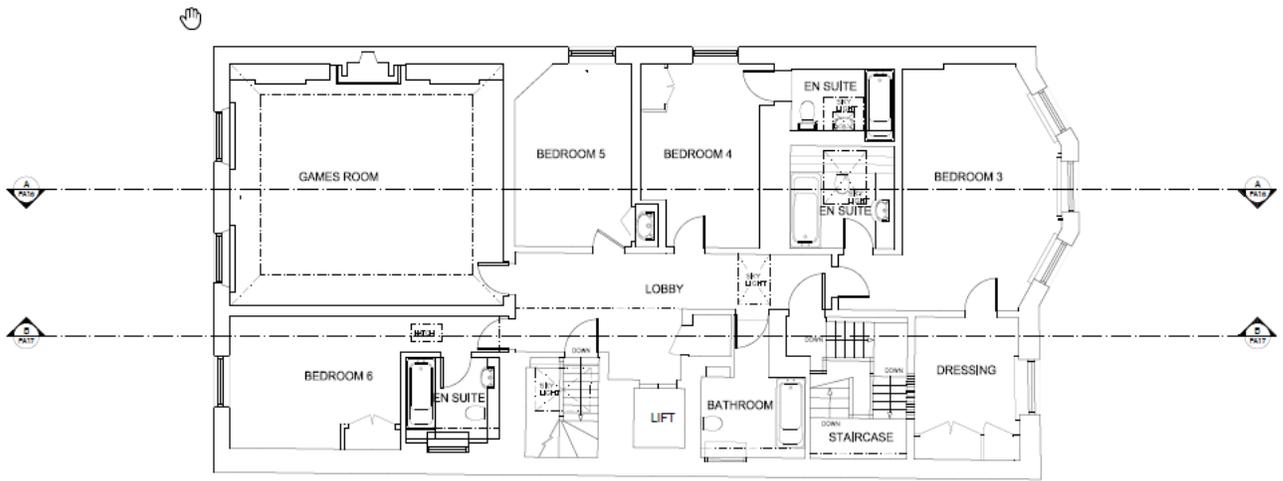
### **Selected relevant drawings**

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

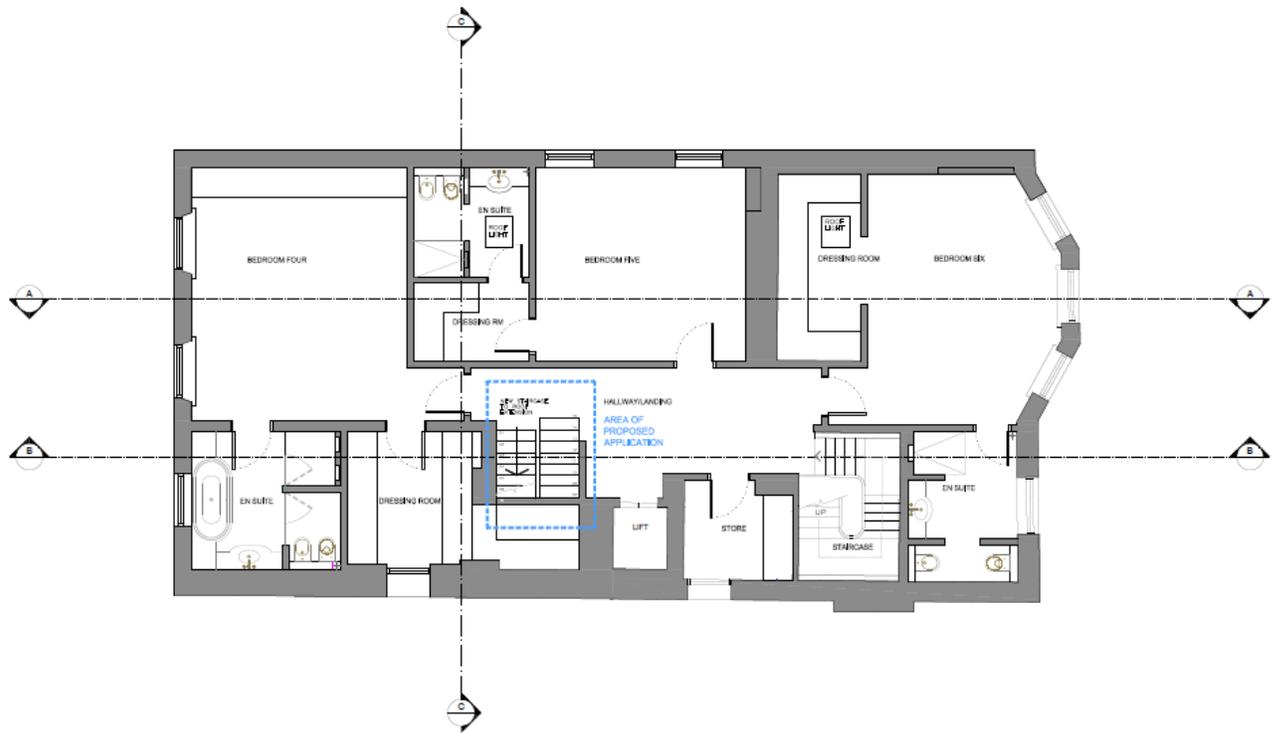
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT [JASGHAR@WESTMINSTER.GOV.UK](mailto:JASGHAR@WESTMINSTER.GOV.UK)

### 10. KEY DRAWINGS

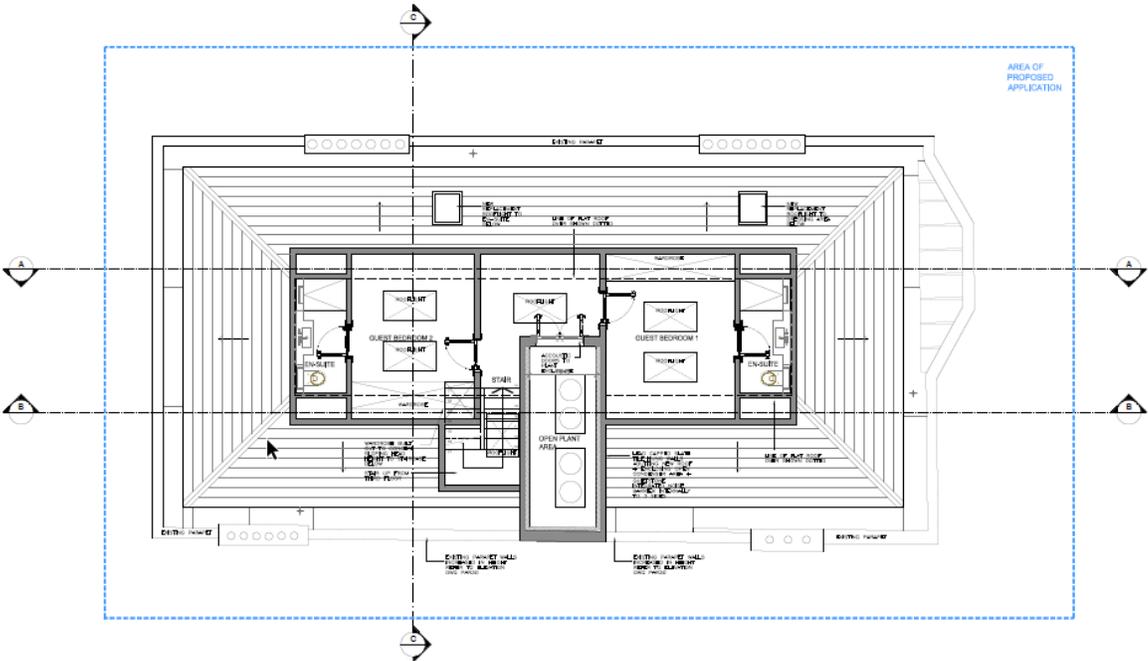
Existing third floor plan



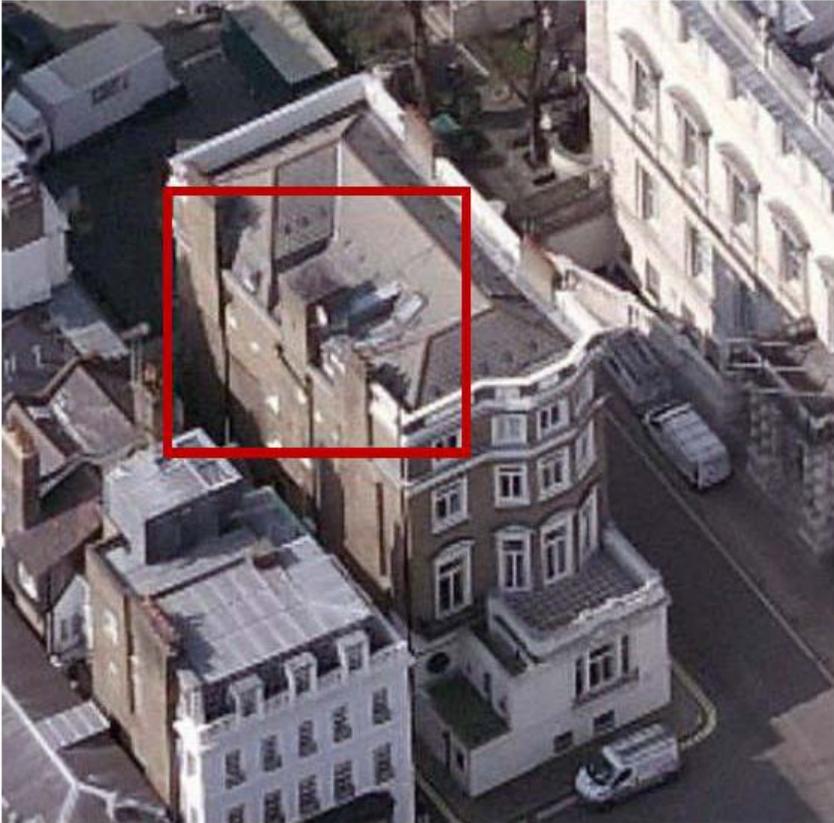
Proposed third floor plan



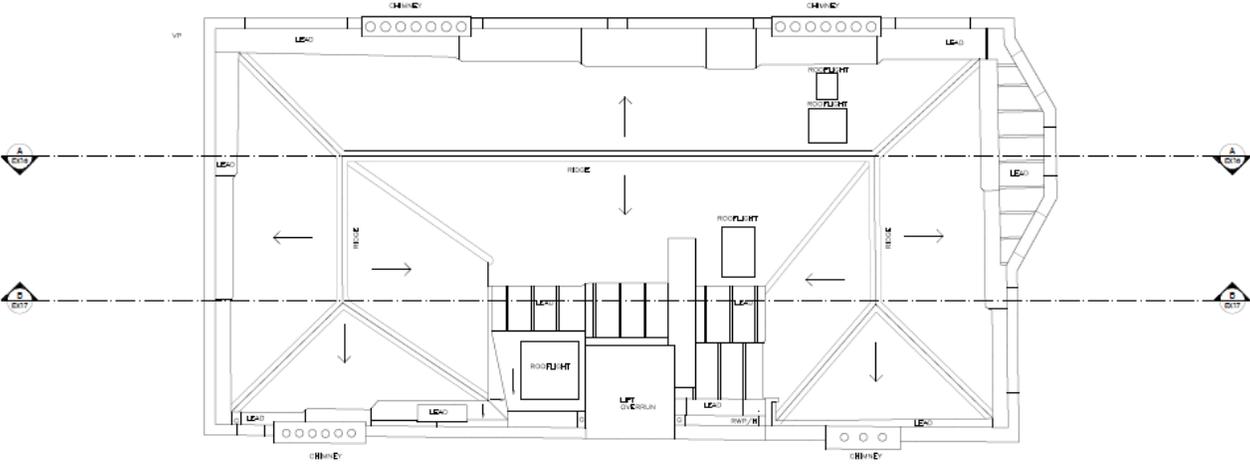
**Proposed fourth/ loft floor plan**



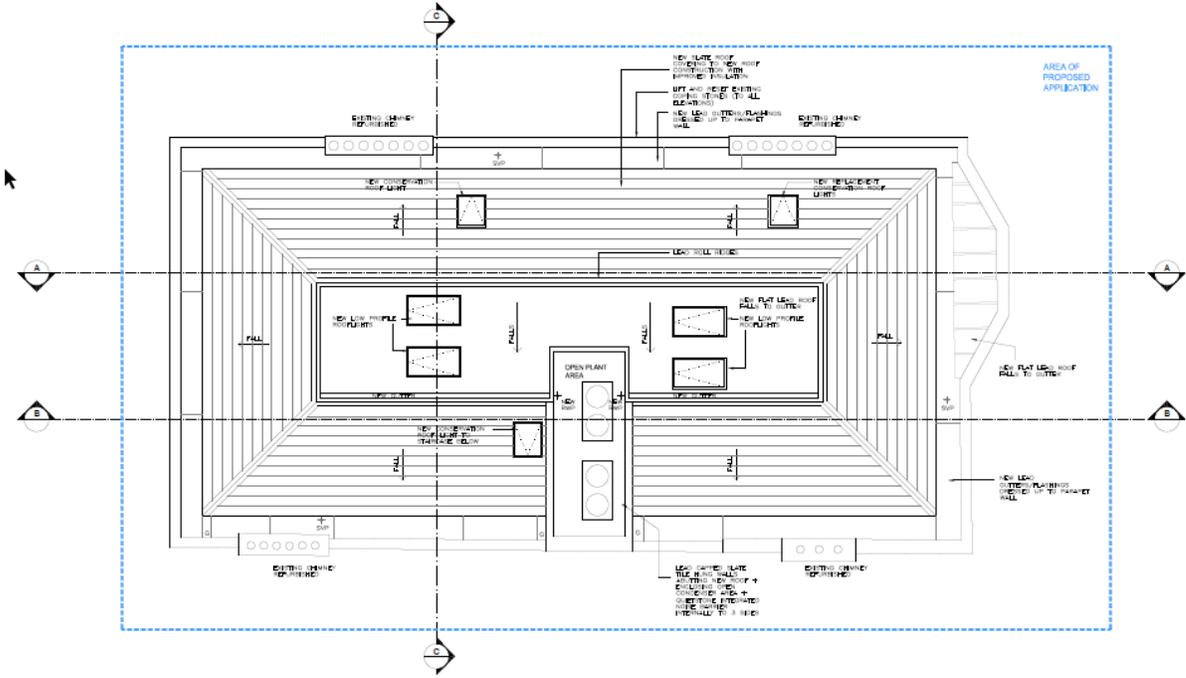
**Aerial view/ existing roof**



Existing roof plan



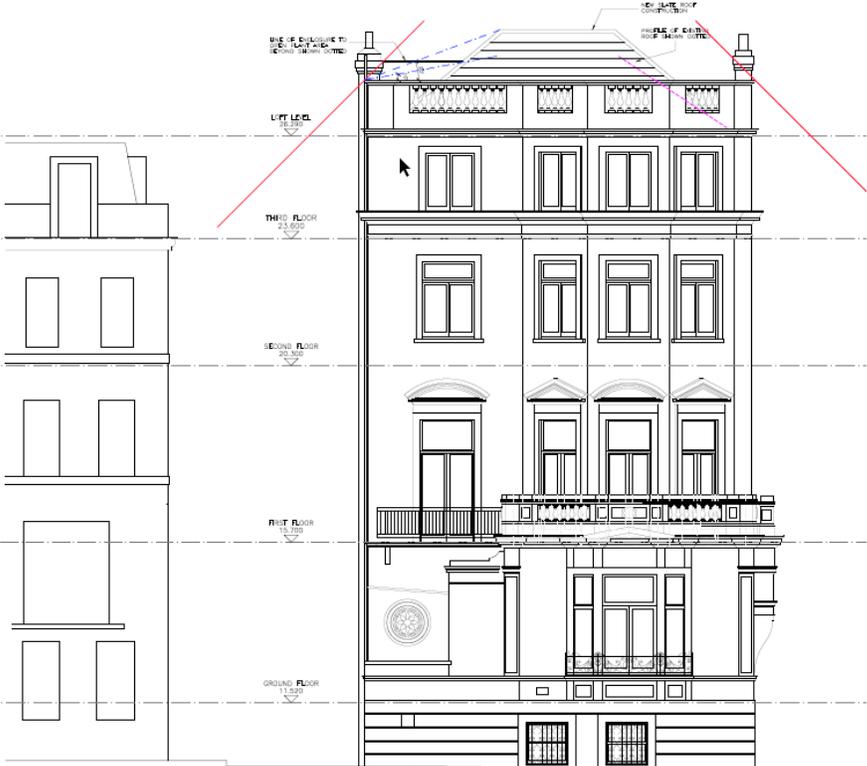
Proposed roof plan



**Existing North East/ Front elevation**



**Proposed North East/ Front elevation**



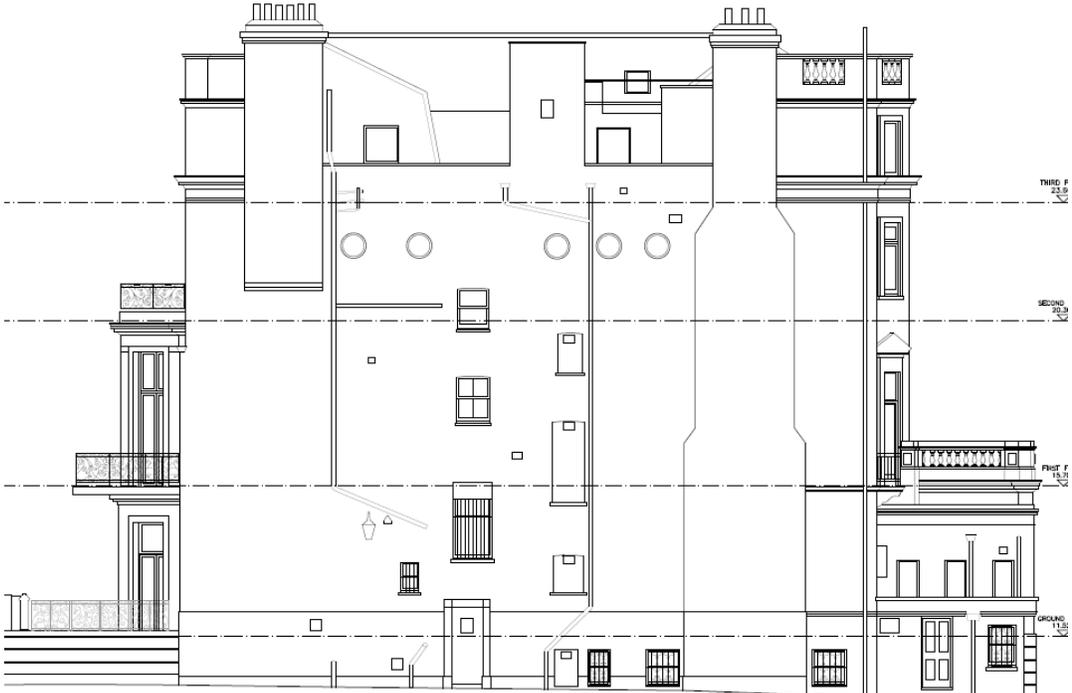
**Existing South West/ rear elevation**



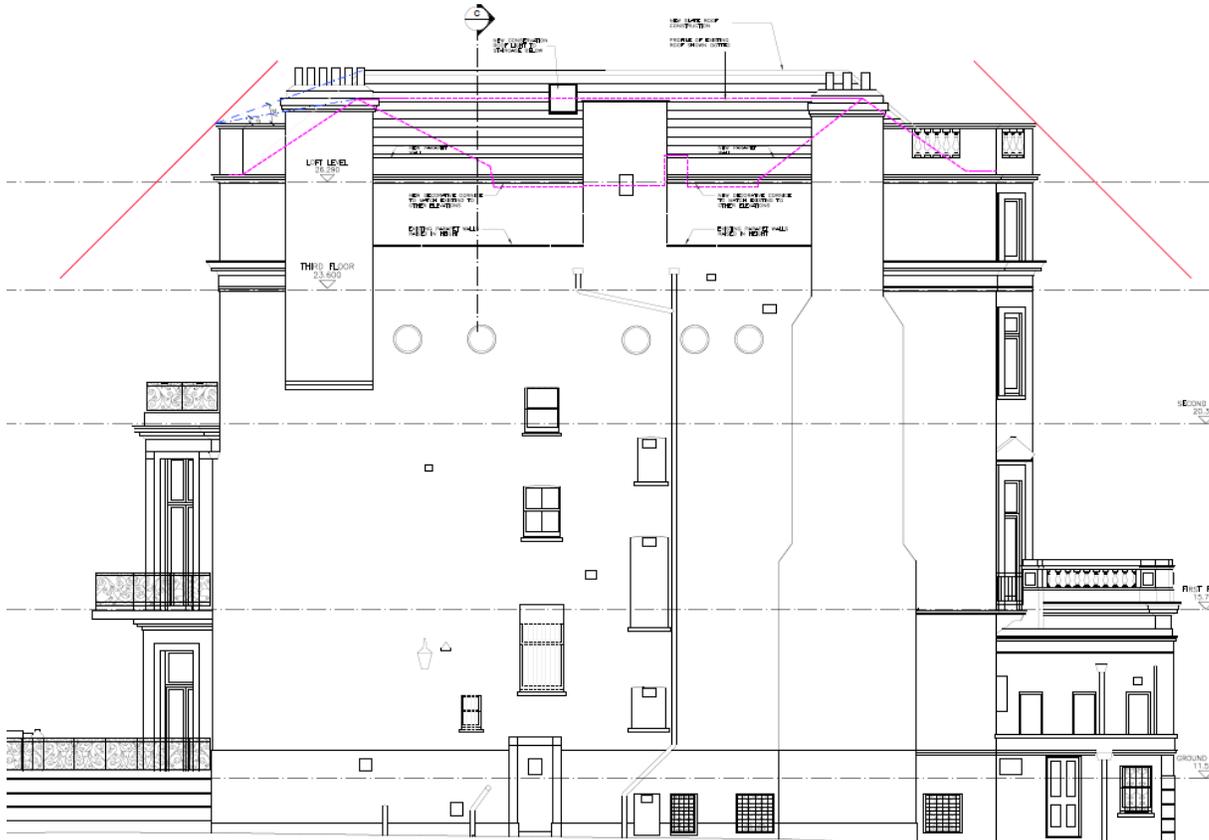
**Proposed South West/ rear elevation**



**Existing South East side elevation**



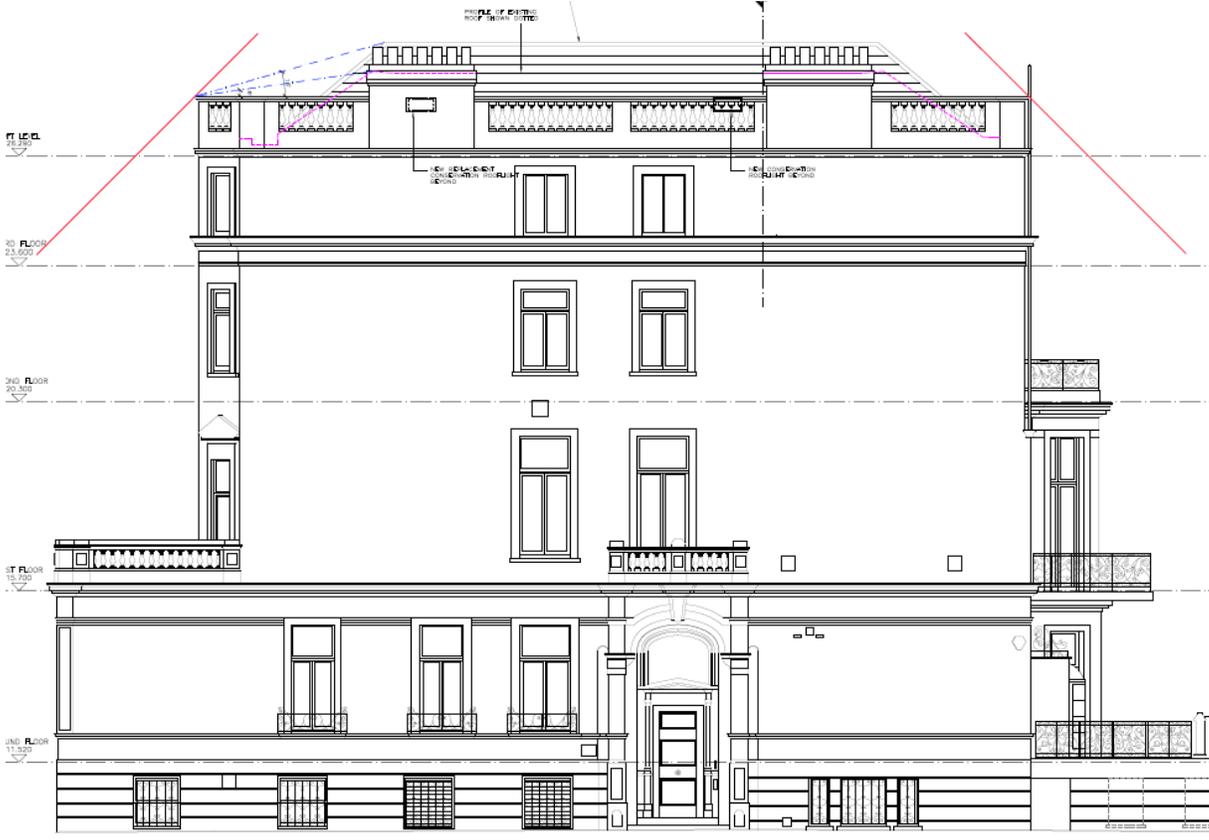
**Proposed South East side elevation**



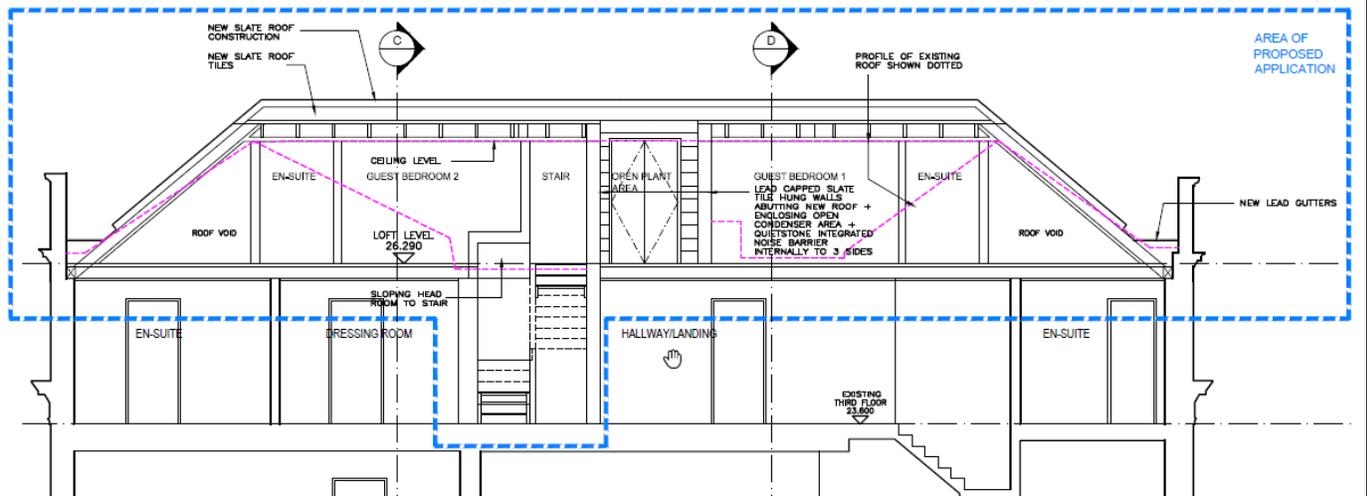
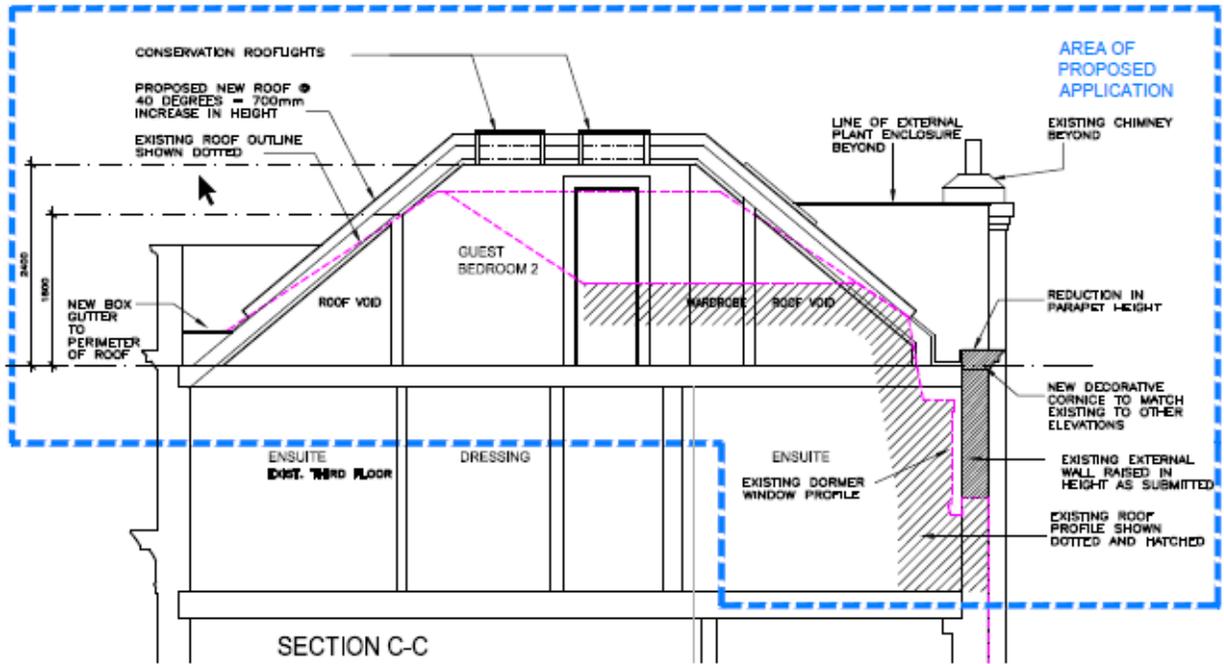
Existing North West side elevation



Proposed North West side elevation



### Overlay Drawings/ Existing and Proposed sections



**DRAFT DECISION LETTER**

- Address:** Selwyn House, 15 Cleveland Row, London, SW1A 1DH,
- Proposal:** Erection of extension at third floor level and roof level to create new fourth/ loft floor level and associated alterations including mechanical plant and rooflights in connection with enlargement of single family dwellinghouse.
- Reference:** 16/00854/FULL
- Plan Nos:** PA 01, PA 02, PA 09, PA 10, PA 11, PA 12, PA 13, PA 14, PA 16 Rev A, PA 17 Rev A, PA R 27 PA R 28, PA R 29, PA R 30 Rev A, PA R 31, PA R 32, PA R 35, PA R 37 Rev A, PA R 50; Daylight and Sunlight Study by behan partnership ltd dated 12.11.2015.

**Case Officer:** David Dorward

**Direct Tel. No.** 020 7641 2408

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

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

Reason:

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

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

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

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

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

Reason:

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

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

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

- 5 The new decorative cornice is to be constructed to match the existing and painted white.

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

- 6 You must apply to us for approval of detailed drawings at a scale of 1:10 and sections at 1:5 of the new windows and rooflights. You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

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

- 7 You must apply to us for approval of a slate sample. You must then carry out the work using the approved material.

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 St. James's Conservation Area. This is as set out in

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

- 8 (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 5 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 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.
- (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 LA90, 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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we

adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 9 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.

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 6 You are advised that the use of a standard double glazing is unlikely to be acceptable as it generally requires bulky frames, which are not compatible with the character and appearance of the conservation area.
- 7 Conditions 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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.