

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 29 November 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	1 - 5 Rainsford Street, London, W2 1PY		
<b>Proposal</b>	Use of 1-5 Rainsford Street as three residential dwelling houses (Class C3) and associated external alterations, including construction of roof terraces at main roof level.		
<b>Agent</b>	Barton Willmore LLP		
<b>On behalf of</b>	Imperial College London		
<b>Registered Number</b>	16/05494/FULL	<b>Date amended/ completed</b>	8 September 2016
<b>Date Application Received</b>	7 July 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Refuse permission – on design grounds.

## 2. SUMMARY

The application seeks permission to convert three existing mews buildings in Rainsford Street in to three residential dwellings and make external alterations to the buildings, including the provision of roof terraces to each new dwellings at main roof level. The buildings were most recently used to provide ancillary storage and changing facilities for the now demolished adjacent sports hall, which was redeveloped following the granting of planning permission in January 2013 to provide a new building of between two and four storeys to provide additional student accommodation and ancillary facilities. The buildings are now surplus to the requirements of Imperial College following the demolition and redevelopment of the sports hall site.

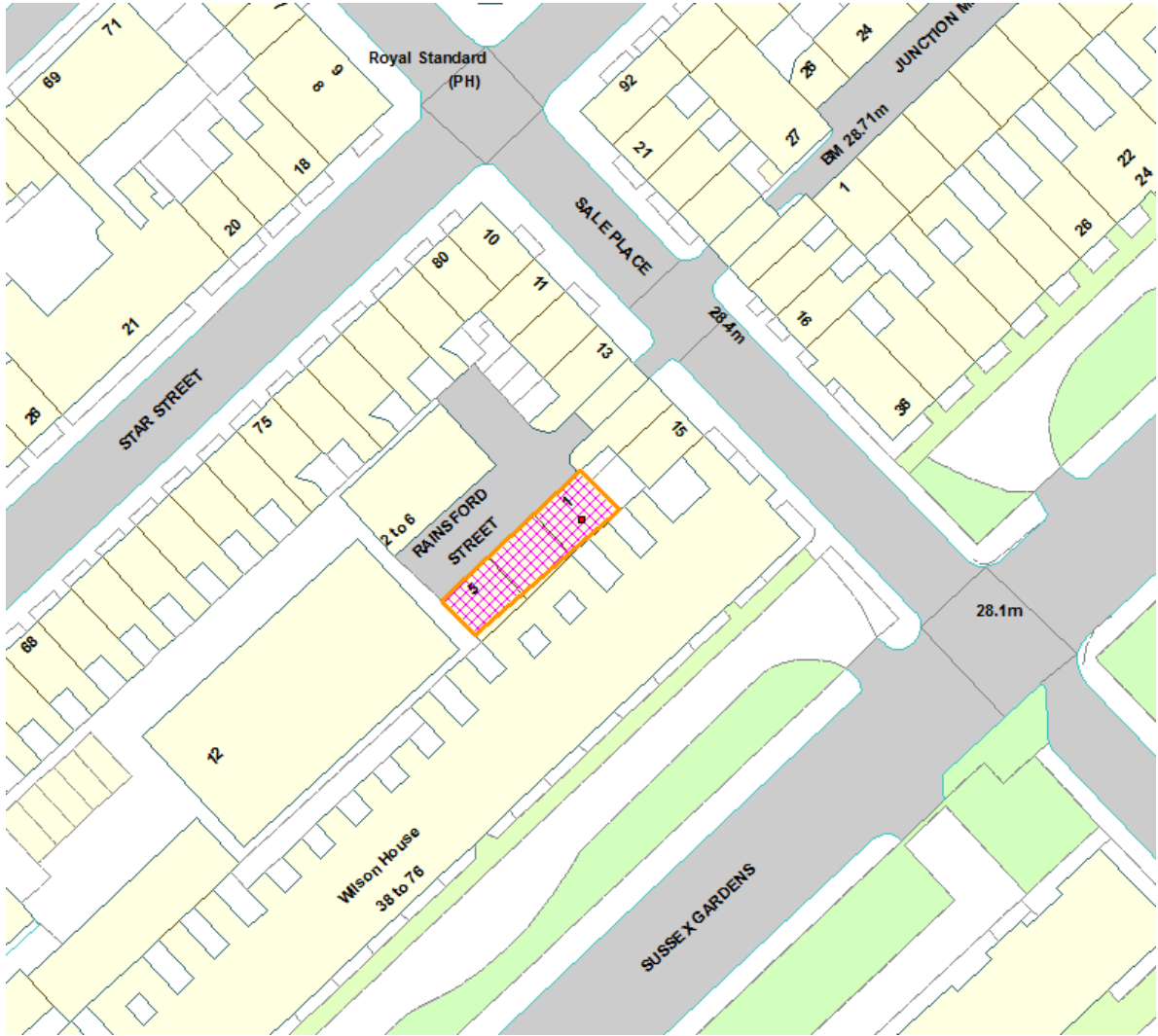
The key issues in this case are:

- The loss of current social and community use floorspace.
- The impact of proposed development on the Bayswater Conservation Area and setting of the adjacent Grade II listed buildings.

- The impact upon amenity of adjoining residential occupiers (including the halls of residents in Sussex Gardens).

Given that the university sports hall to which these mews buildings formally acted as ancillary accommodation for has been redeveloped, it is considered that their conversion to residential accommodation is acceptable in land use terms. However, the proposed roof terraces are unacceptable in design terms due to the visual intrusion of the glazed privacy screens, which would have a harmful impact on the appearance of the buildings and the character and appearance of the Bayswater Conservation Area as a result of their size, location, detailed design and materials. As such, this application is recommended for refusal.

3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



View looking up Rainsford Street toward Sale Place (site on right).



Application site to the left, recently completed student halls development at end of street.



View of roofs of application site with Wilson House student halls of residents behind.

## 5. CONSULTATIONS

### HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

### CLEANSING MANAGER

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH

No objections, subject to conditions.

### HIGHWAYS PLANNING MANAGER

Objection – increased parking demand in area of on street parking deficiency. Securing lifetime membership to car club can mitigate impact but does not overcome objection.

### ADJOINING/OWNER OCCUPIERS

No consulted: 49; No of replies: 2 emails/ letters raising objection on all or some of the following grounds:

- Increased parking congestion in Rainsford Street as a result of conversion to residential use.
- Loss of amenity and privacy to occupiers of student halls of residents in Wilson House to the rear as a result of roof level terraces.
- Increased instances of noise complaints from residents of houses backing onto the Wilson House.

### ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises three unlisted mews buildings, which face north-west within Rainsford Street, a small mews located behind Grade II listed buildings on Sussex Gardens and Sale Place, within the Bayswater Conservation Area. The buildings are currently vacant, having most recently used to provide ancillary storage and changing facilities for the now demolished adjacent sports hall at the western end of Rainsford Street, which was redeveloped following the granting of planning permission in January 2013 to provide new student accommodation.

### 6.2 Recent Relevant History

07.07.1953 Planning permission granted for the conversion of 42-76 Sussex Gardens for use as a hostel for students of the St Mary's Hospital Medical School.

12.05.1954 Planning permission granted for the erection of a single storey building at the rear of No's.54-62 (even) Sussex Gardens to be used for recreational purposes for students from St Mary's Hospital Hostel for students (37186/A).

12.06.1957 - Planning permission granted for the erection of a building comprising two squash courts.

17.02.1960- Planning permission granted for the conversion of Nos.38 and 40 Sussex Gardens for use as a hostel for students of the St Mary's Hospital Medical School (22145).

05.03.1982 Planning permission granted for the erection of a student recreation centre and the use of Rainsford Street as a private road.

05.03.1982 Planning permission granted for alterations in connection with the creation of a ground and first floor link with a proposed student recreation centre in Rainsford Street.,

17.01.2013 Planning permission granted for Extensions, alterations and refurbishment of Wilson House for continued use as student accommodation and the redevelopment of the sports complex buildings to the rear of the site to provide a new building of between two and four storeys to provide additional student accommodation and ancillary facilities.

A planning application (RN: 16/06450/FULL) has been submitted concurrently with this application for 'Use of 1-5 Rainsford Street as three residential dwellinghouses (Class C3) and associated external alterations, including erection of roof extension'. This application is also on this committee agenda and is recommended for conditional approval.

## **7. THE PROPOSAL**

The application seeks permission for use of the three mews buildings at Nos.1-5 Rainsford Street as three residential dwellinghouses (Class C3) and associated external alterations, including the provision of a roof terraces at main roof level to each of the new dwellinghouses. The roof terraces would be screened in street views by the existing high front parapet, but the rear and side elevations would require the introduction of high glazed privacy screens.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **8.1.1 Loss of Existing Social and Community Use**

The properties were most recently in use by building contractors during the construction of the adjacent student accommodation associated with Wilson House, granted planning permission 17 January 2013 which ended in August 2014. Prior to this, the buildings were used as ancillary storage and changing facilities by Imperial College in conjunction with the sports hall until it was demolished and redeveloped in accordance with the January 2013 planning permission.

Given their long standing ancillary use in conjunction with the university, it is appropriate to consider the conversion of these properties in the context of Policies SOC1 and SOC3 in the adopted UDP and Policy S34 in the City Plan, which seek to protect and encourage social and community uses. These policies allow for the conversion of social and community floorspace where the existing provision is being reconfigured, upgraded or

relocated in order to improve services and meet identified needs as part of a published strategy by a local service provider. In these circumstances the policy requires the applicant to demonstrate that the overall level of social and community provision is improved and there is no demand for an alternative social and community use of the application premises.

The letter from Imperial College London dated 4 November 2016 sets out a justification for the loss of the existing social and community use and states that the storage and other ancillary uses the buildings have provided historically in association with the adjacent sports hall is now redundant, and incorporated where required into the adjacent recently completed student hall redevelopment.

The university advise that they considered the use of buildings for continued education and wider social and community use; however, these options were discounted for a number of reasons set out in their letter. These include, (i) the building internal layouts which limit the scope for a functional open plan area; (ii) the small building footprint; (iii) the lack of level access, and; (iv) conservation area constraints limiting the scope for alterations such as installation of mechanical plant.

The university advises that it had sought to expand existing community engagement spaces at the St Mary's Hospital Site on the application site, but concluded that the premises were not suitable for the reasons summarised in the preceding paragraph. Instead the university advises that has provided engagement space elsewhere on its estate, including as part of the Alexander Fleming Laboratory Museum and the HELIX Centre.

In conclusion, it is evident that the proposal is not part of a published strategy and, in the absence of marketing evidence, the feasibility of use of the application site by an alternative social and community use provider has not been explored in the manner expected by the relevant social and community use policies. However, whilst not part of a published strategy, following the loss of the sports hall in conjunction with which these buildings were formally used, it is acknowledged that the buildings are surplus to Imperial College's requirements. Furthermore, given their discreet mews location and restricted floor areas, it is apparent that the buildings are limited in terms of the quantum, standard and flexibility of social and community floorspace they can provide. In this context, whilst it is highly regrettable that the applicant has not sought to definitively demonstrate a lack of interest from other social and community uses in using the premises, in this case the prospect of identifying an appropriate alternative social and community user for these premises is considered to be sufficiently low, so as to justify their loss without provision of marketing evidence.

### **8.1.2 Proposed Residential Use**

In terms of the proposed use, the provision of residential accommodation adheres with Policies H3 of the UDP and S14 of the City Plan, which seek to encourage the provision of more residential floorspace. It would also accord with Policy S34 in the City Plan, which specifies that in this location, where social and community uses are lost, the appropriate alternative use is residential accommodation.



The proposal would provide three family-sized dwellings with three or more bedrooms and this would accord with Policy H5 in the UDP. Whilst the scheme does not provide a mix of unit sizes in accordance with Policy S15 in the City Plan, given the site comprises three mews buildings, their conversion back to use as three dwellinghouses of modest size is not objectionable in land use terms.

In terms of the quality of accommodation that would be provided, all three dwellinghouses would provide sufficient internal floor area so as to be in accordance with the Government's Nationally Described Minimum Standards.

## 8.2 Townscape and Design

The buildings currently comprise two storeys with mono pitched roofs set behind high front brick parapet walls. The mews buildings have been altered in the past, in particular at ground floor level, with the introduction of modern doors and windows and with No.5 Rainsford Street having lost its garage style opening. However, the mews buildings have largely retained their original mews composition and scale and can be considered as a group with the mews buildings directly opposite, which are of the same scale and form, although not of the same age. Despite the alterations to the buildings themselves, and the historic and modern alterations to their setting, the historic relationship between the mews properties and the taller grand terraced houses in Sussex Gardens beyond is still observed given the inherent hierarchical contrast in scale. This is considered to contribute to the character and appearance of the Bayswater Conservation Area and to the setting of the adjoining listed buildings.

Alterations to the front and rear façade of the buildings consist of the installation of timber sash windows within existing openings and new timber framed bi-folding doors within the existing garage doors. Following revisions the garage doors have been amended so that they incorporate less glazing and maintain a greater semblance of the original mews property appearance. As proposed the scale and materiality of the façade treatments are considered to be appropriate and will preserve the interpretation of the buildings within their setting.

The roof level alterations proposed by this application consist of the creation of roof terraces on each mews building. The roof terraces would be positioned toward the front of the buildings, with the existing parapet providing screening to the front, whilst the rear and side boundaries of the terraces would be enclosed by a 1.8 metre high obscure glass balustrade. Access to the roof would be created by a low level rooflight above an internal staircase.

UDP policy DES 6 seeks to ensure the highest standards in alterations at roof level. It specifically notes that permission will not be granted where installations or enclosures would adversely affect the architectural character of a building or group of buildings, where the buildings form makes a contribution to the local skyline or where the alteration would be visually intrusive or unsightly in public or private views.

Roof level terraces are not common on mews buildings, nor are they prevalent on buildings in the immediate setting. In this context, the principle of forming roof terraces in this location on the buildings is considered to be highly contentious in design terms. As smaller scale buildings, the roof form is highly apparent in private views from the

surrounding buildings; the alteration will be highly visible and would detract from the proportion of the mews buildings. Additionally the associated alterations required, which includes the erection of a 1.8 metre high glazed balustrade, are also uncharacteristic features and therefore are considered to adversely affect the appearance of the building and the character and appearance of the Bayswater Conservation Area.

The scale of the balustrade is not considered to be in keeping with the scale and proportions of the existing building, nor is its material and detailed design consistent with the prevailing appearance of the host building or its wider setting. These alterations would be highly visible in private views within the conservation area and therefore the roof terraces are unacceptable in design terms and contrary to Policies DES1, DES6 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

### **8.3 Residential Amenity**

The adjoining properties comprise residential windows Nos.13 - 15 Sale Place to the east of the site and the university Halls of Residents within Wilson House to the rear, which contain a large number of windows across three floors facing the site.

The proposed roof level terraces and their enclosures would be set back from the rear roof edges and would be sufficiently low on the side boundaries of the site so as not to cause a material loss of daylight or sunlight.

The formation of roof terraces at main roof level has the potential to cause overlooking in the direction of Sale Place and Wilson House to the rear, which is a concern that has been raised by an objector. However, the erection of 1.8m privacy screen surrounding the terraces would block direct views towards all neighbouring windows. Any views from the terraces in the direction of upper floor windows within Wilson House would be at an oblique angle so would have limited impact. As such, these objections are not considered to be sustainable grounds to withhold permission.

In terms of overlooking, the applicant proposes that all first floor windows to the rear will be fitted with obscure glazing to the bottom window pane whilst at ground floor each property is fitted with a high level obscure glazed fixed window. The flank first floor window facing Sale Place is also obscure glazed in its entirety. These measures would have been secured by condition had the application been recommended favourably.

In terms of enclosure, the high level privacy screen would not cause a materially increased sense of enclosure given that there would be a separation of 8m between the screening and the rear facades of Wilson House. This distance is sufficient to prevent an unacceptable increase in enclosure. To the side, on the boundary with No.15 Sale Place, following advice from officers, the proposed roof terrace and screen on the roof of No.1 Rainsford Street has been pulled away from this boundary. As a result, the proposed development is considered to be acceptable in sense of enclosure terms.

Subject to the conditions that would have been recommended had the application been recommended favourably (including a condition to restrict permitted development rights for additional fenestration and extensions), the proposed development is acceptable in amenity terms and would accord with Policy ENV13 in the UDP and S29 in the City Plan.

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

In terms of existing off street parking, whilst the building retains garage doors, the space within the buildings behind the doors is used as internal floorspace at present and the garages have long since been lost. As such, there is no off street parking provided in conjunction with the existing social and community use of the site.

Highways Planning Manager has objected to the proposed development on grounds that it would increase on street parking demand for residents parking bays. He notes that on-street parking bay occupancy has reached a level of 56% overnight and 85% during daytime hours. The Highways Planning Manager has suggested that the impact on on-street parking could be mitigated in part by provision of lifetime (25 year) car club membership. Whilst car club membership is not sought on developments of this limited scale, it is noted that the applicants have suggested such mitigation in their Transport Statement and as such, had the application been recommended favourably, a condition would have been recommended to secure car club membership for each dwellinghouse. Subject to this mitigation, it is not considered that permission could reasonably be withheld on parking grounds given the limited number of new dwellings proposed.

Policy 6.9 in the London Plan sets out the requirements for secure cycle parking provision. Cycle parking is shown on the submitted drawings, but is insufficient in size to meet the requirements of the London Plan policy and therefore, had the application been recommended favourably, revised cycle storage details would have been secured by condition.

The Cleansing Manager has objected to the 'sister application', which is also on this committee agenda, on grounds that the refuse and recycling spaces provided are not of sufficient area to accommodate both cycle parking and residual and recyclable waste storage. Again, had the application been recommended favourably, a condition requiring amended details would have been recommended.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

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

Policy 5.3 of the London Plan and Policy S28 of the City Plan seek to maximise sustainable construction and design that reduces energy use and emissions and reduces waste. The Planning Statement sets out that the proposed developments will incorporate features to minimise carbon footprint and maximise sustainability including; use of low energy appliances, cycle storage, replacement of existing windows with efficient double glazed units improving thermal and acoustic performance, improvements to building fabric to increase u-values. These features are beneficial.

#### **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**

A Grampian condition is recommended for both applications, requiring the applicant to secure membership to a locally operated car club.

### **8.10 Other Issues**

The occupier of the commercial premises at No.2-6 Rainsford Street has commented that the conversion would be likely result in parking congestion on Rainsford Street. However, Rainsford Street is a private road and not one within which the City Council as Local Highway Authority (LHA) has any control over in terms of how the road space within the street is used. It is noted that at present it is marked with single yellow lines, but as a private road, these would not be controlled by the City Council as LHA.

Concerns regarding the impact of construction works on the neighbouring office occupier are not grounds on which permission could reasonably be withheld and a condition is recommended to control the hours of building works.

The manager of the student halls of residents in Sussex Gardens (Wilson House) has expressed concern that the provision of external amenity space for the proposed dwellinghouses would lead to increased complaints of noise disturbance from the occupiers of the new dwellinghouses in relation to noise from the halls of residence. Whilst this concern is understood, it is not considered that this is a ground on which permission could reasonably be withheld.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Letter from Imperial College dated 4 November 2016.
3. Memo from Environmental Health dated 21 July 2016.
4. Memo from Highways Planning Manager dated 10 August 2016.
5. Letter from the occupier of 2-6 Rainsford Street dated 14 July 2016.
6. Letter from the manager of Wilson House dated 20 July 2016.

### **Selected relevant drawings**

Existing and proposed drawings.

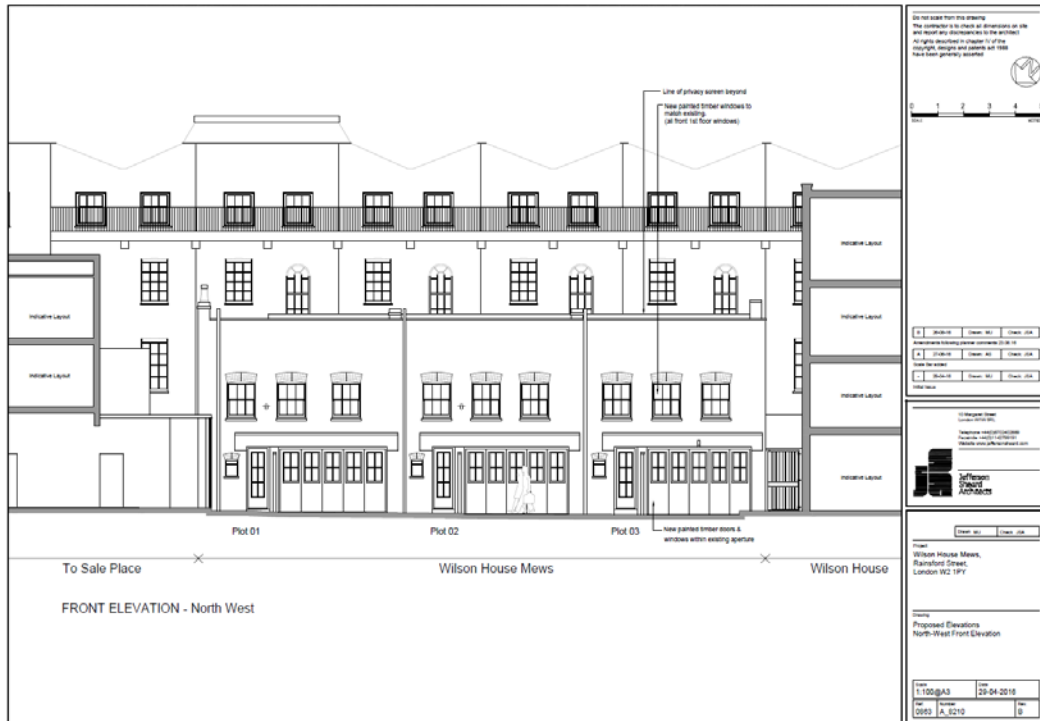
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS



Existing front elevation.



Proposed front elevation.



Wilson House Mews

REAR ELEVATION - South East

Existing rear elevation.

1.0m high obscured glass privacy screens extend beyond privacy screens set back 1.0m from rear elevation

New painted timber windows to match existing with 2x bottom panes obscured glass (all rear 1st floor windows)

New high level ground floor obscured glazing

Wilson House Mews

REAR ELEVATION - South East

Do not look from this drawing. The contractor is to check all dimensions on site and report any discrepancies to the architect. All rights reserved to copyright of the drawings, designs and patents and shall have legal priority over all other drawings.

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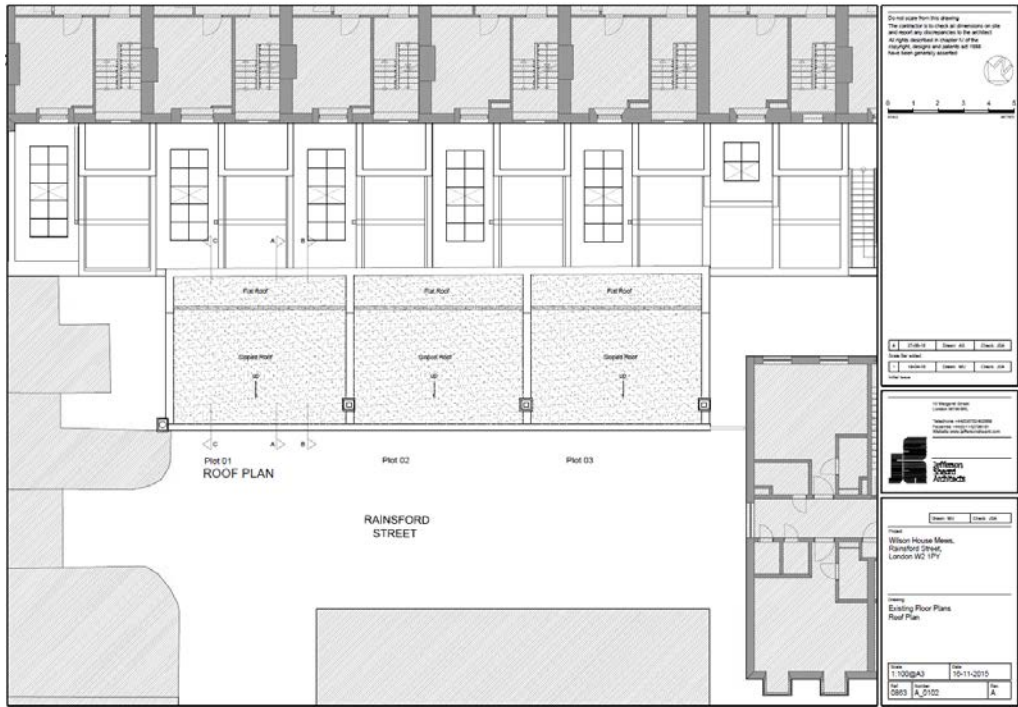
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London W2 1PF

Architect: [Logo]  
Architects

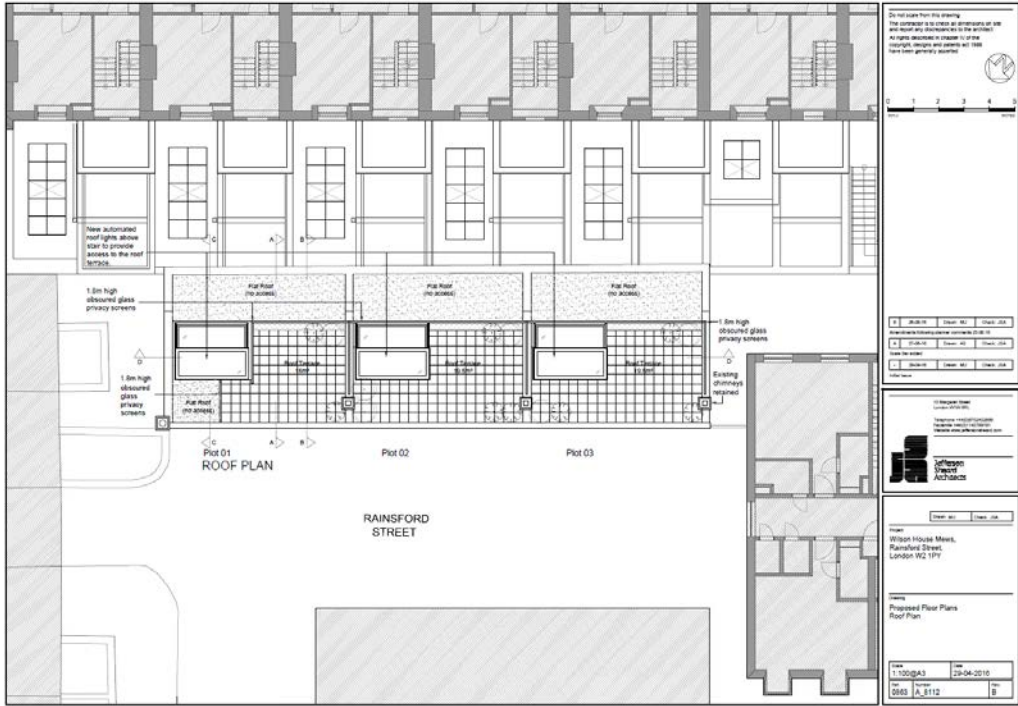
Wilson House Mews,  
Rainford Court,  
London W2 1PF

Proposed Elevations  
South-East Rear Elevation

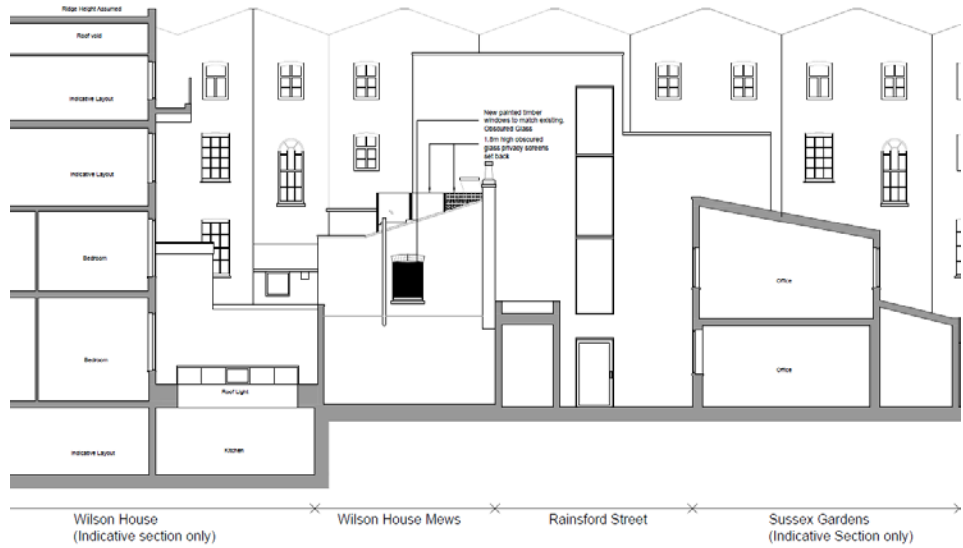
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Existing roof plan.

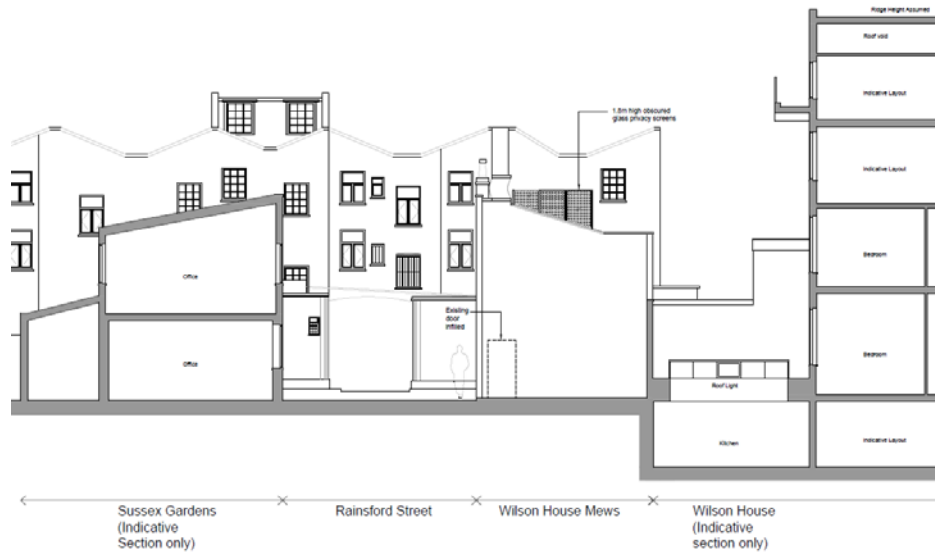


Proposed roof plan.



SIDE ELEVATION - North East

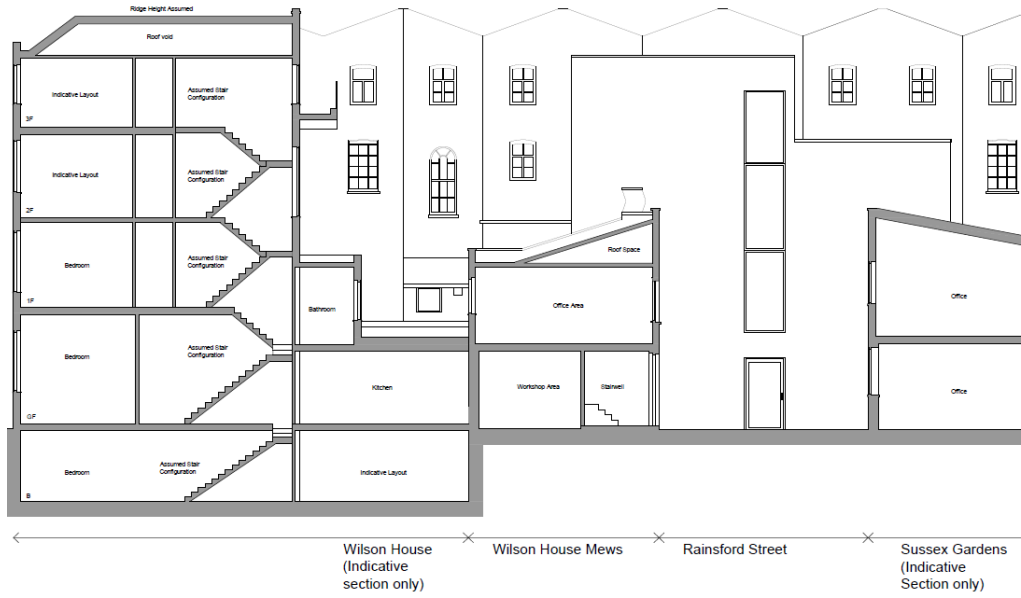
Proposed north east side elevation.



SIDE ELEVATION - South West

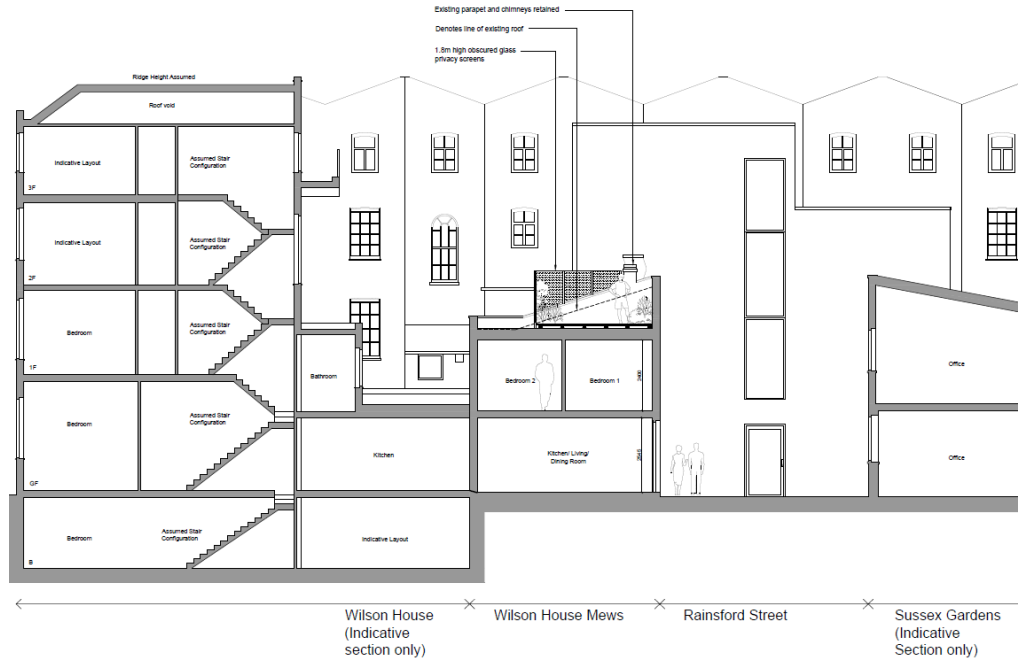
Proposed south west elevation.





Section A-A

Existing Section AA.



Section A-A

Proposed Section AA.

**DRAFT DECISION LETTER**

**Address:** 1 - 5 Rainsford Street, London, W2 1PY,

**Proposal:** Use of 1-5 Rainsford Street as three residential dwellinghouses (Class C3) and associated external alterations, including construction of roof terraces at main roof level.

**Reference:** 16/05494/FULL

**Plan Nos:** A\_0001\_A, A\_0002\_B, A\_0100\_A, A\_0102\_A, A\_0200\_A, A\_0201\_A, A\_0300\_A, A\_0301\_A, A\_0302\_A, A\_8010\_B, A\_8110\_B, A\_8111\_B, A\_8112\_B, A\_8210\_B, A\_8211\_B, A\_8212\_B, A\_8213\_B, A\_8310\_B, A\_8311\_B, A\_8312\_B, A\_8313, Design and Access Statement prepared by Jefferson Sheard Architects dated June 2016, Planning Statement prepared by Barton Wilmore dated June 2016, Transport Statement prepared by Caneparo Associates dated June 2016, Cover letter from Barton Wilmore dated June 2016, Email from Barton Wilmore dated 2 September 2016, Email from Barton Wilmore dated 20 October 2016, Letter from Imperial College dated 5 October 2015.

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

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

- 1 Because of their size, prominent roof level location, detailed design and materials, the proposed privacy screens around the roof level terraces would harm the appearance of the buildings and the character and appearance of the Bayswater Conservation Area. This would not meet policies S25 and S28 of Westminster's City Plan (July 2016) and Policies DES 1, DES 6, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable. , , Required amendments:, , (i) Delete roof level terraces and omit roof level privacy screens., (ii) Amend cycle and refuse and recycling storage in accordance with Policy 6.9 of the London Plan and the City Council's planning guide to waste and recycling storage.

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.