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

### 1. RECOMMENDATION

Grant conditional permission.

### 2. SUMMARY

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

The key issues in this case are:

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

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

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# 3. LOCATION PLAN



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## 4. PHOTOGRAPHS





View looking south-east towards the rear of Bond House







#### 5. CONSULTATIONS

#### RESIDENTS' SOCIETY OF MAYFAIR & ST.JAMES'

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

#### **CLEANSING**

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

### HIGHWAYS PLANNING MANAGER

Request condition to secure cycle parking

#### ADJOINING OWNERS/OCCUPIERS

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

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

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

#### ADVERTISED / SITE NOTICE: Yes

#### 6. BACKGROUND INFORMATION

### 6.1 The Application Site

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

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

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

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

# 6.2 Recent Relevant History

#### **52 SOUTH MOLTON STREET**

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

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

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

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

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

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

### **FLAT 3, 52 SOUTH MOLTON STREET**

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

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

### **BOND HOUSE (19-20 WOODSTOCK STREET)**

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

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

#### 7. THE PROPOSAL

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

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

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

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

#### 8. DETAILED CONSIDERATIONS

#### 8.1 Land Use

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

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

### 8.2 Townscape and Design

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

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

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

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

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

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

Overall, the proposals are considered acceptable in design terms.

### 8.3 Amenity

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

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

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

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

### 8.3.1 Sunlight and Daylight

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

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

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

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

### 8.3.3.1 Daylight

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

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

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

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

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

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

### 8.3.1.2 **Sunlight**

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

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

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

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

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

#### 8.3.2 Sense of enclosure

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

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

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

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

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

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

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

### 8.3.3. Overlooking/use of terraces

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

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

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

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

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

### 8.3 Transportation/Parking

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

### 8.4 Waste and Recycling

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

### 8.5 Economic Considerations

No economic considerations are applicable for a development of this size

#### 8.6 Access

Access to the residential unit would remain as existing.

### 8.7 London Plan

This application raises no strategic issues.

### 8.8 National Policy/Guidance Considerations

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

### 8.9 Planning Obligations

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

## 8.11.Other matters

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

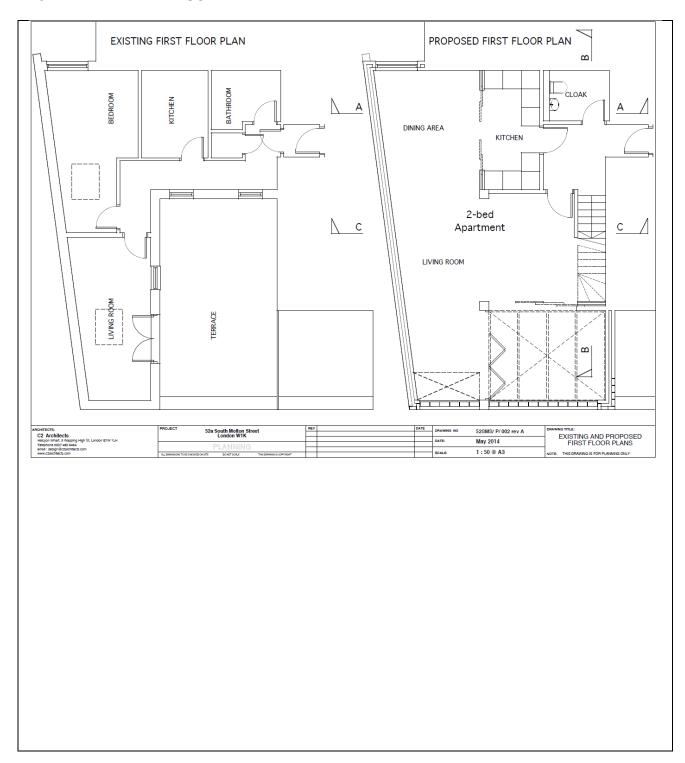
#### 9. BACKGROUND PAPERS

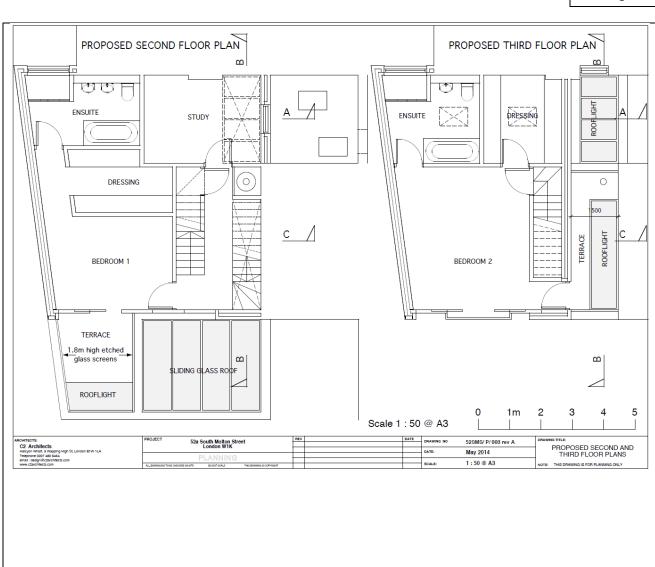
- 1. Application form
- 2. Response from Residents' Society of Mayfair & St. James's, dated 24 May 2017
- 3. Memorandum from Highways Planning dated 22 May 2017
- 4. Memorandum from Cleansing dated 9 May 2017
- 5. Letter from occupier of Flat 4, 52 South Molton Street, dated 30 May 2017
- 6. Letters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

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

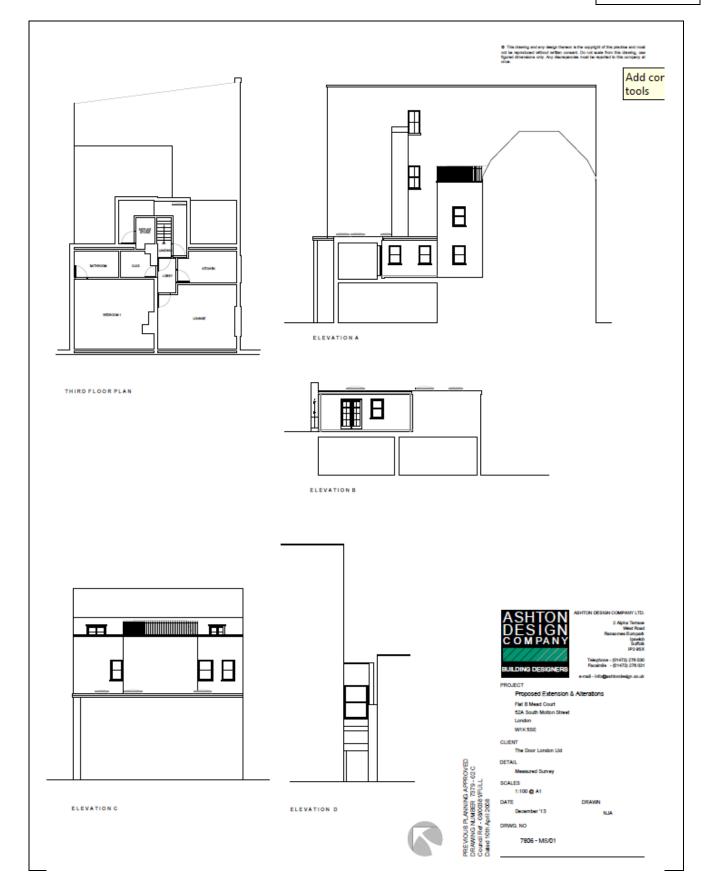
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT <u>SSPURRIER@WESTMINSTER.GOV.UK</u>

# 10. KEY DRAWINGS

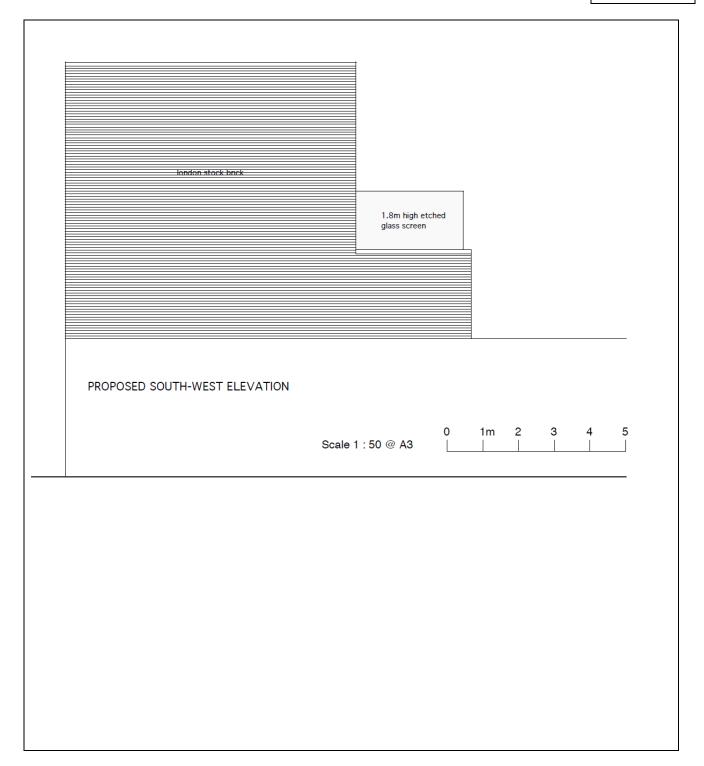








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#### DRAFT DECISION LETTER

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

**Proposal:** Partial infill of an existing terrace area at first floor level and erection of a two storey

roof extension at second and third floor levels to provide additional residential accommodation for use in association with the existing flat. Creation of terraces at

second and third floor levels.

**Reference:** 17/03519/FULL

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

P/ 005, 52SMS/ P/ 006 Rev A, 52SMS/ P/ 007 Rev A, 52SMS/ P / 012 Rev A

Case Officer: Gemma Bassett Direct Tel. No. 020 7641 2814

### Recommended Condition(s) and Reason(s)

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.

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.

#### Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair; Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

3 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

#### Reason:

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

- 4 You must apply to us for approval of a sample of the glass (at least 300mm square) to:
  - i) the etched glass privacy screens to the second floor terrace
  - ii) The obscured glazed windows to the first floor extension

You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

#### Reason:

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

The privacy screens to the second floor terrace should be 1.8M high above terrace level. They must be installed prior to the use of the terrace and permanently maintained at that height.

#### Reason:

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

You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential dwelling

#### Reason:

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

#### **INFORMATIVES**

In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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