

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	126 Warwick Way, London, SW1V 4JA		
Proposal	Erection of extensions at rear basement and ground floor levels and a mansard roof extension in connection with upgrading the existing hotel.		
Agent	Wharmby Kozdon Architects		
On behalf of	Bakers Hotel LLP		
Registered Number	17/09354/FULL	Date amended/ completed	26 February 2018
Date Application Received	21 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

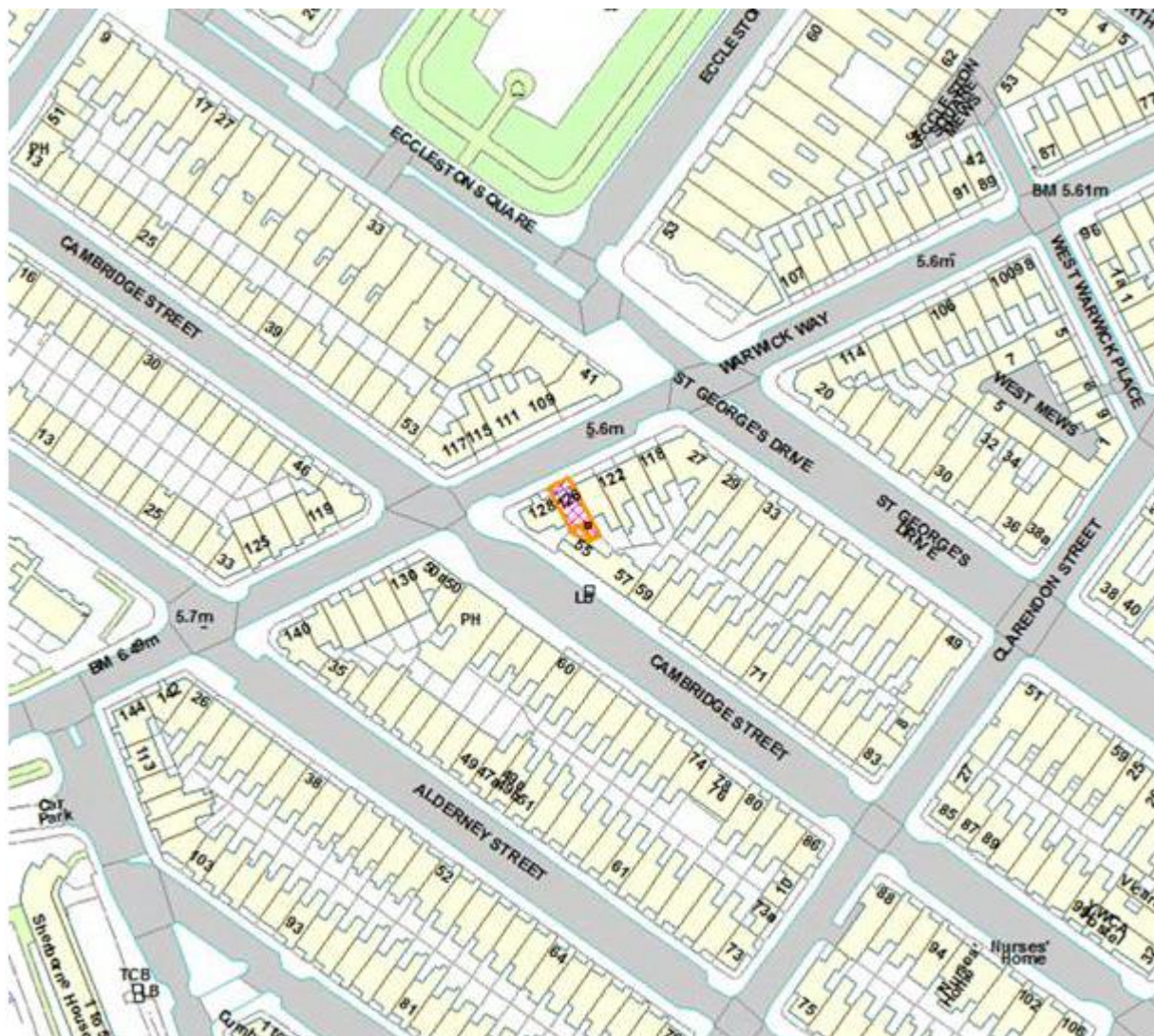
126 Warwick Way is an unlisted building located within the Pimlico Conservation Area. It is in use as a hotel with 12 guest bedrooms. Permission is sought for the erection of extensions at rear basement and ground floor levels and a mansard roof extension in connection upgrading existing hotel. The total number of rooms will remain unchanged, but owing to the upgrade, the capacity of these rooms will fall from 28 to 26 guests.

The key issues in this case are:

- the acceptability of the proposals in land use terms;
- the impact of the proposals on the character and appearance of the building and the Pimlico Conservation Area; and
- the impact of the proposals on adjoining properties.

As set out in this report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the application is recommended for approval subject to the conditions as set out on the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear elevation and courtyard



5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection.

PIMLICO FREDA:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

No. of objections: 9 (from 4 individuals)

Objections received from neighbouring residents in Cambridge Street on the following grounds:

Land use:

- the extensions would unacceptably intensify the hotel use.

Amenity:

- loss of privacy, and the proposed obscure glazed windows at roof level to the rear are not a satisfactory solution;
- loss of light;

Other:

- the rear extension would block a boiler flue, and the applicant's solution is not satisfactory;
- the applicant has breached planning control in the past and residents have little faith the applicant will adhere to any permissions going forward, and the current application should be considered in light of this;
- the development would result in the loss of neighbouring property's monetary value;
- the development would pose a security risk to neighbouring residents;
- the City Council should have due regard to its responsibilities under the Human Rights Act; and
- whilst grateful to be kept informed, it is considered that the case officer 'pre-determined' the application by sharing his views on it with neighbouring residents, this was unfair as it 'circumvents due process and amounts to a procedural irregularity in the planning application;

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

126 Warwick Way is an unlisted building located within the Pimlico Conservation Area. The building is in use as a hotel with 12 guest bedrooms providing accommodation for a maximum of 28 guests.

6.2 Recent Relevant History

On 23 September 2016 a planning enforcement complaint was received regarding an unauthorised structure on top of the rear courtyard extension (RN: 16/62934/M). This structure has since been removed.

On 13 October 2005 planning permission was granted for the erection of single storey extension within rear courtyard area to existing hotel (RN: 05/05418/FULL). This permission followed an enforcement investigation relating to works beginning on this extension without planning permission (RN: 05/31528/M).

On 19 January 2001 planning permission was granted for alterations at third floor level to introduce a mansard slope at the front, and to provide an additional hotel bedroom in a new mansard at the rear; associated works to raise both party walls. (RN: 00/09459/FULL)

7. THE PROPOSAL

Permission is sought for the erection of extensions at rear basement and ground floor levels and a mansard roof extension in connection with upgrading the existing hotel.

The floorspace figures are summarised in the below table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
C1 (hotel)	210.5	224.4	13.9

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S23 of the City Plan notes that hotels are often not compatible with residential neighbourhoods because the amount of activity they generate can cause amenity problems, the policy seeks to address the existing over-concentration of hotels in areas such as Pimlico, although it does encourage the improvement in quality of existing hotels where they do not have an adverse effect on neighbouring residential occupiers. Policy TACE 2 of the UDP also relates to hotels and states that in Pimlico, extensions to existing hotels will only be where granted where:

- these would be of an appropriate scale to their surroundings and linked to the upgrading of the hotel
- facilities that can be used by non-residents of the hotel would not be introduced
- the extension would not result in intensification of use of existing facilities by non-residents

- d) there would be no adverse effects on residential amenity and no loss of permanent residential accommodation.

Objection has been raised on the grounds the proposal would unacceptably intensify the hotel use to the detriment of neighbours.

The proposed extensions are considered to be an appropriate scale to its surrounding, as outlined in section 8.2 of this report, and are in connection with upgrading the hotel. The lower floor extensions are in connection with improving the guest breakfast room and improving the reception/ office area. It is not proposed to use the breakfast room facility for non-guests, and this is to be ensured by condition. The mansard roof extension would improve and enlarge the rooms at this level. These extensions would be connected to internal changes which are intended to improve the existing guest room layout, and would create en-suite shower rooms. The total number of rooms will remain unchanged, at 12. But owing to the upgrade, the capacity of these rooms will fall from 28 to 26 guests. Therefore, there would not be an unacceptable intensification of the hotel use as a result of these proposals. The proposed extensions would have no adverse effect on residential amenity as outlined in section 8.3 of this report.

8.2 Townscape and Design

Policies DES 1, DES 5, DES 6 and DES 9 of the UDP and policies S25 and S28 of the City Plan and the SPGs 'Roofs A Guide to Alterations and Extensions on Domestic Buildings', 'Pimlico Conservation Area Audit' and 'Pimlico Design Guide' are the relevant design policies for extensions to this building.

At basement level there is an existing outbuilding/ shed which negatively impacts on the building and area, and which does not benefit from planning permission. This is to be removed and the courtyard then partially infilled with a rear extension, retaining a small external space at the rear. Above at ground floor level, the existing closet wing is to be extended to increase the size of the reception/ office area at this level. These extensions are confined to the rear of the building and are partially out of sight of neighbouring buildings, bar from some upper storeys and a glimpse view from Cambridge Street. Given the current appearance of the building and their proposed location, these extensions are not considered to harm the character and appearance of the conservation area.

The view from Cambridge Street would be altered as a result of the extensions, but a separation between the buildings would be retained. Alterations to the appearance of the windows within the rear closet wing on the upper storeys are also proposed. The replacement of the windows is considered acceptable as the existing are of little overall interest and their replacement would provide a visual benefit to the rear of the building.

The existing roof addition, which is limited to the front of the building, is not of a traditional appearance. The proposals would create a standard mansard that would be in keeping with the character and appearance of the area and neighbouring buildings and would improve the appearance of the application site. The asymmetrical windows on the front elevation would be removed and new dormers installed that are aligned with the fenestration below new dormers would also be installed within the rear elevation. These works are considered acceptable and beneficial to the building and Pimlico Conservation Area.

The application also proposes to reposition the front lightwell stair to the traditional location running against the façade of the building. These works are considered acceptable subject to details of the stair being secured by way of condition.

8.3 Residential Amenity

Policy ENV13 of the UDP and Policy S29 of the City Plan 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 residents to the rear on Cambridge Street on the grounds the proposal would harm the amenity of neighbouring occupiers, particularly in terms of loss of privacy and light.

The residential neighbours reside to the west at 128 Warwick Way and to the rear on Cambridge Street. The adjacent property to the east, 124 Warwick Way, is in a hotel use.

The rear building line of 128 Warwick Way is set back from that of the application site, and consequently the basement level extension would have no impact on this property. The ground floor extension would be located away from the boundary of 128 Warwick Way, and so would also not result in a harmful impact on the these residents.

The properties to the rear do not contain rear windows on their lower floors, and so these properties would not be affected, in terms of enclosure, privacy or light. One property on the lower floor enjoys a courtyard accessed from the side of 55 Cambridge Street. The rear extensions would be visible from the courtyard, but would be located away from this boundary and so would not unacceptably enclose or overlook this outside space.

The mansard roof extension would introduce new rear windows which would face toward the upper floors of the Cambridge Street properties, whilst there are no windows in close proximity to the roof extension, this is adjacent a residential roof terrace serving 59 Cambridge Street. The access to this roof terrace is by a glazed door, but this door is set back from the application site. In order to maintain the existing level of privacy on the roof terrace, the new rear windows will be obscure and fixed shut, which is to be ensured by condition. In these circumstances, it is not considered that the roof extension would be harmful to neighbouring residents.

8.4 Transportation/Parking

Given the modest increase in floorspace (and that the upgrade would reduce capacity of the hotel rather than increase it) it is not considered that there would any implications in highway terms.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposal would not alter access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Given its modest size, it is accepted that the proposed extensions are unlikely to result in additional generation of waste and recycling material.

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.

The development is not liable for a CIL payment as the floorspace increase is below 100sqm.

8.11 Other Issues

Boiler Flue

A boiler flue associated with 55A Cambridge Street is located on the boundary wall which is venting out into the courtyard area of the application site. The proposed rear extension would conflict with this boiler flue, and an objection has been raised by the neighbour whose boiler would be impacted if this flue is blocked. The applicant has responded to this concern by revising their proposals to allow the flue to run through their proposed extension.

The Party Wall Act 1996 deals with works, which relate to boundary walls including flues positioned in them. The provisions of this act is for the building owner and adjoining owner to resolve, and not a matter that can be dealt with under planning legislation.

Property Values:

An objection has been received on the grounds of loss of monetary value to neighbouring properties. The impact of planning decisions on property values is not a material planning consideration. However, it should be noted that the impact of the proposals on neighbouring amenity and the character and appearance of the area have been considered elsewhere in this report.

Planning Control Breaches:

Objectors have noted past breaches of planning control relating to the site, and suggest the Council ought to consider the current application in a different way in light of this. Planning applications must be considered based on their planning merits.

Crime and Security:

Objection has been raised on the grounds the proposals pose a security risk as the proposed roof extension could make access to adjoining properties easier. The new rear openings at roof level are to be conditioned to be fixed shut. Therefore, it is not considered that permission could reasonably be withheld on the grounds of potential access through them.

Human Rights Act:

An objector has requested due regard be had to the Human Rights Act. The Council is satisfied that any interference with an individual's rights in terms of Article 8 of the Human Rights Act, which requires that "respect" be given to private and home life, would be a proportionate means of achieving a legitimate end, that being the Council's function to determine planning applications. This right exists for both the applicant as well as the objector. It is considered that there is nothing in human rights or equality law that could, as a matter of law, require the application for planning permission to be refused and the objections on these grounds cannot therefore be supported.

Procedural Irregularity:

An objector, whilst grateful to be kept informed, considers that the case officer 'pre-determined' the application by sharing his view that he was minded to recommend the proposal be approved. The objector states this was unfair as it 'circumvents due process and amounts to a procedural irregularity in the planning application'. The views expressed by the case officer did not represent a determination of the application. Case officers do not have the authority to determine applications. The email the resident refers to also explained the following: 'Any views or opinions expressed in this email are those of the sender, and whilst given in good faith, do not necessarily represent a formal decision of the Local Planning Authority unless a statutory application is or has been made and determined in accordance with requisite procedures, planning policies and having had regard to material considerations.'

9. BACKGROUND PAPERS

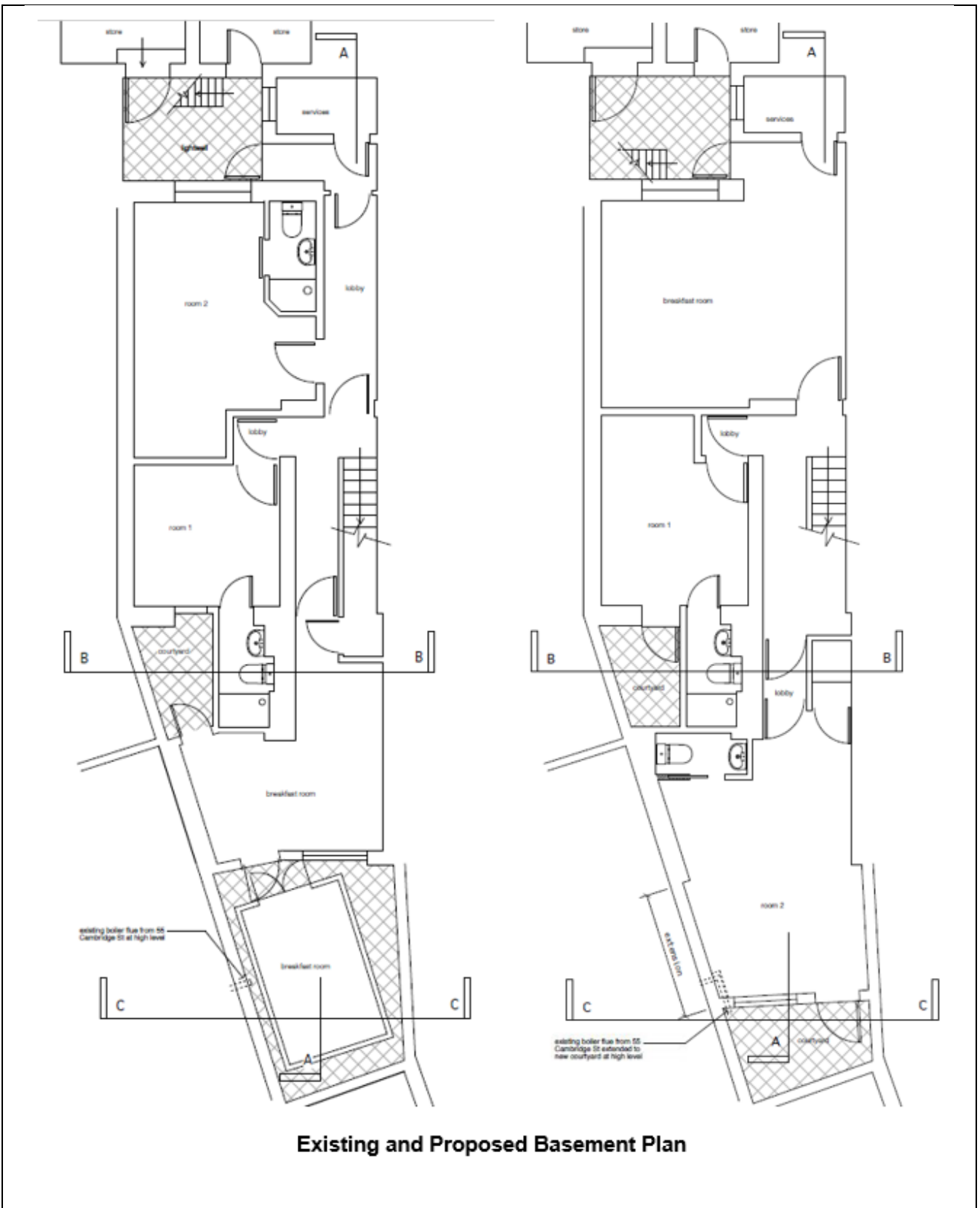
1. Application form
2. Response from Westminster Society dated 26 October 2017
3. Objections (x3) from the occupiers of 59 Cambridge Street dated 5 December 2017, 9 February 2018 and 9 March 2018
4. Objection from occupier of 55 Cambridge Street dated 5 December 2017
5. Objection from occupier of 59 Cambridge Street dated 9 December 2017
6. Objections (x4) from occupier of 55A Cambridge Street dated 6 December 2017, 24 February 2018, 28 February 2018 and 6 March 2018
7. Case officer email dated 26 February 2018 (in response to email dated 24 February 2018 from occupier of 55A Cambridge Street).

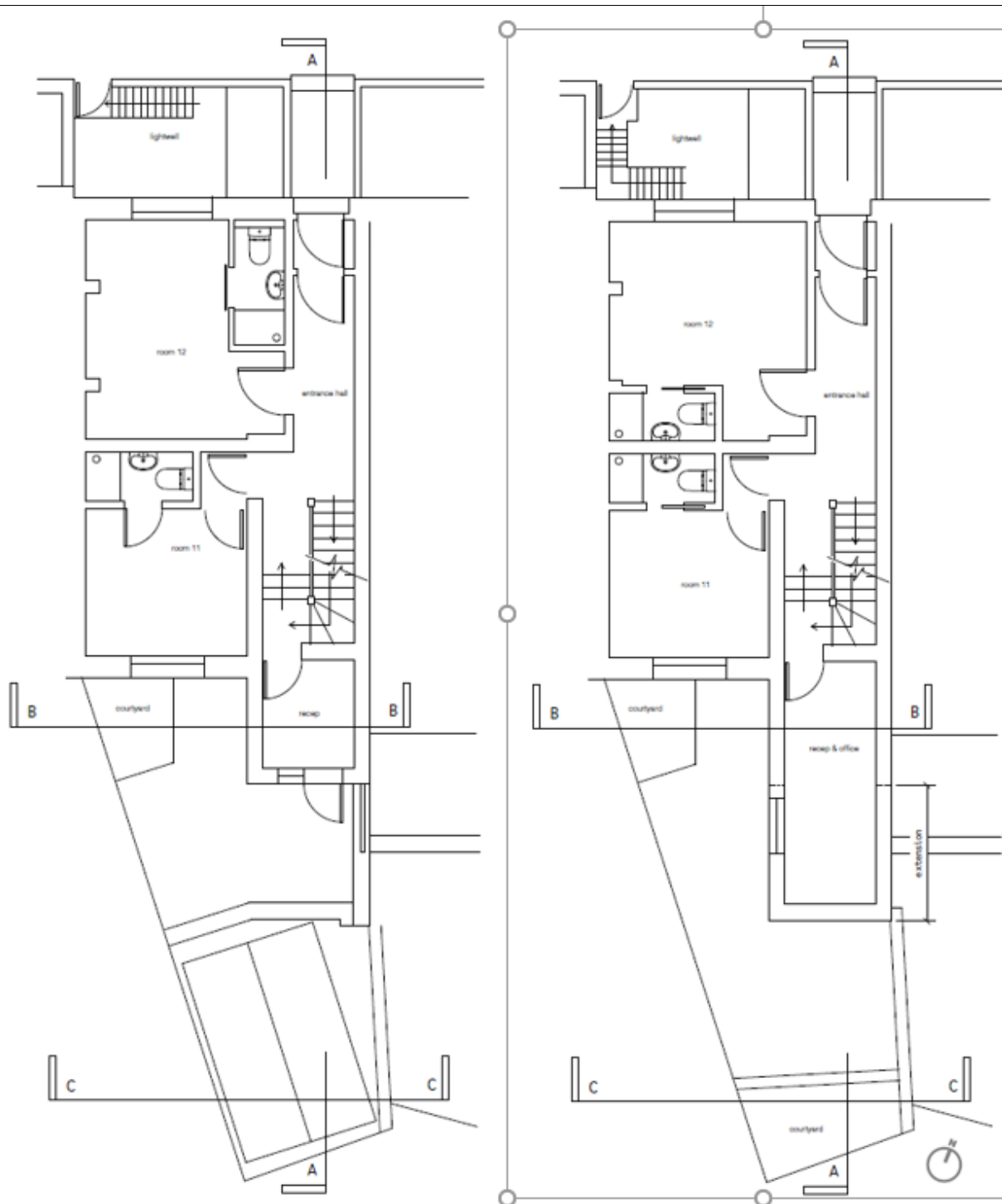
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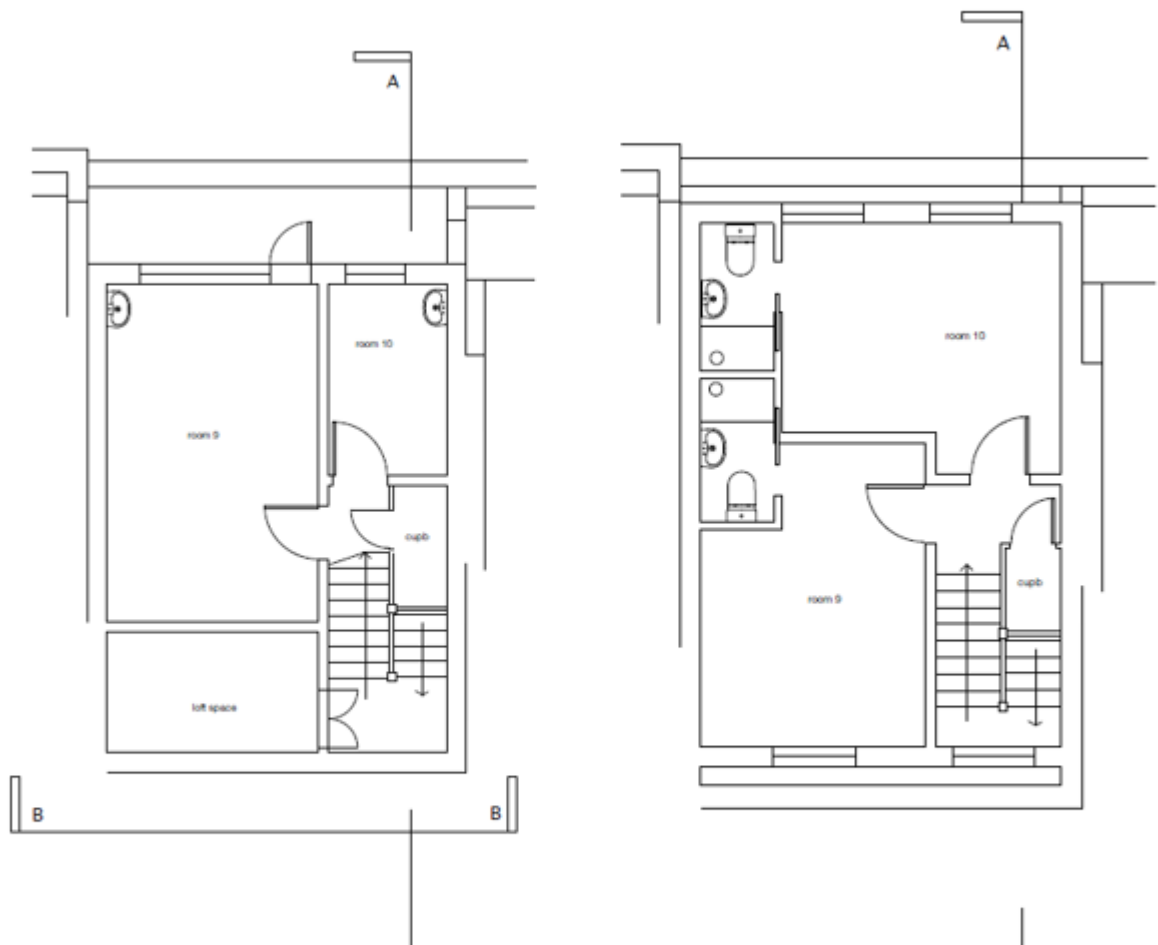
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

10. KEY DRAWINGS



**Existing and Proposed Ground Floor Plan**



Existing and Proposed Third Floor Plan



Existing and Proposed Front Elevation



Existing and Proposed Rear Section B B



Existing and Proposed Rear Section C C

DRAFT DECISION LETTER

Address: 126 Warwick Way, London, SW1V 4JA

Proposal: Single storey extensions to rear of basement and ground floor and extension to existing mansard roof.

Reference: 17/09354/FULL

Plan Nos: Site Plan; Location Plan; BH 101A; BH 102; BH 103; BH 104; BH 105; BH 106; BH 107; BH 108A; BH 109; BH 201A; BH 202; BH 203; BH 204; BH 205; BH 206; BH 207; BH 208A; Design and Access Statement.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as the 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 Saturdays;
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work:

- 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 (November 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 Pimlico 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. (R26BE)

- 4 The mansard roof shall be covered in slate to match the neighbouring properties.

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 Pimlico 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. (R26BE)

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows, including dormer construction;
- ii) Doors, and
- iii) Front lightwell stair.

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 Pimlico 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. (R26BE)

- 6 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 7 The glass that you put in the windows in the rear elevation of the roof extension must not be clear glass and the windows must not open. You must apply to us for approval of a sample of the glass (at least 300mm square). 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 you must fix the windows shut and you must not change it without our permission.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 8 The hotel breakfast room shall only be used by hotel guests.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

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 (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.

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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.