CITY OF WESTMINSTER				
PLANNING	Date	Classification		
APPLICATIONS SUB COMMITTEE	10 April 2018	For General Release		
Report of		Ward(s) involved		
Director of Planning		Knightsbridge And Belgravia		
Subject of Report	56 Rutland Gate, London, SW7 1PL			
Proposal	Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.			
Agent	Mr Michael Maan			
On behalf of	Mr Al Marshal			
Registered Number	17/09793/FULL and 17/09794/LBC	Date amended/ completed	3 November 2017	
Date Application Received	3 November 2017			
Historic Building Grade	Grade II			
Conservation Area	Knightsbridge			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

56 Rutland Gate is a grade II listed building located within the Knightsbridge Conservation Area. Permission and listed building consent are sought for the erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

The key issues in this case are:

- the impact of the proposals on the character and appearance of the listed building and the Knightsbridge 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 applications are recommended for approval subject to the conditions as set out on the draft decision letters.

3. LOCATION PLAN

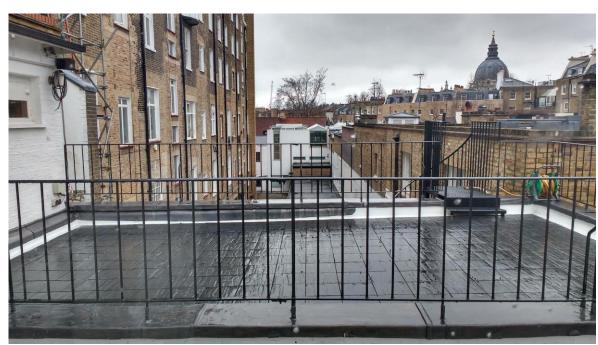


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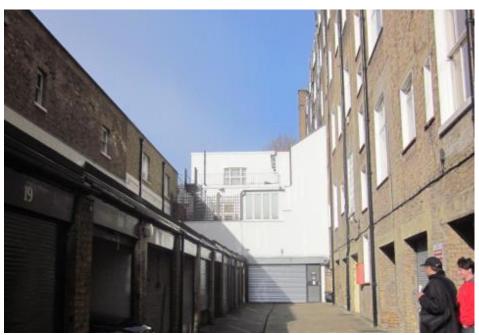
4. PHOTOGRAPHS



Rear Elevation



View from Flat 17, 58 Rutland Gate



View from Car Park

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5. CONSULTATION

KNIGHTSBRIDGE ASSOCIATION:

Objection: loss of light and privacy for adjoining residential occupiers.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

No. of objections: 4 (from 2 individuals)

Objections have been received from neighbouring residents in an adjacent building in Rutland Gate on the following grounds:

Amenity:

- loss of outlook and increased sense of enclosure;
- loss of daylight and sunlight; and
- loss of privacy.

Design:

 harm to character and appearance of the listed building and Knightsbridge Conservation Area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

56 Rutland Gate is a grade II listed building located within the Knightsbridge Conservation Area. The building is part of a terraced row of listed houses constructed in the mid nineteenth century. Immediately to the north is the ground floor flat at No. 57 Rutland Gate and No. 58 Rutland Gate which is converted into flats.

The rear of the terrace has been subject to a variety of alterations and extensions over time. Originally, to each house there were rear wings projecting from the main elevation with open areas between them. Works in the 1950s removed these wings from the properties to the south of 56 Rutland Gate to form a service road, with an underground car park beneath and beyond the application property. The loss of the basements has had the effect of dividing the rear of the terrace into two distinct sections. Approximately half of the terrace to the south of 56 Rutland Gate has no rear wings. These houses have flat rear elevations rising straight up from the service road. Including and beyond 56 Rutland Gate, the houses retain their wings above the car park beneath. Although, 56 Rutland Gate is a storey lower than those to the north.

6.2 Recent Relevant History

In January 2014 permission and listed building consent were sought for the erection of part single and part two storey rear extensions at ground and first floor levels with reconfigured first floor terrace. Had an appeal against non-determination not been lodged, permission and consent would have been refused on design and listed building grounds. The appeals were dismissed on 6 January 2015 due to the schemes harmful impact upon the significance of the listed building and the character and appearance of this part of the Knightsbridge Conservation Area.

In May 2015 permission and listed building consent were refused for the erection of replacement part single and part two storey rear extension at ground and first floor levels with a partially enclosed ground floor terrace and first floor terraces on listed building/conservation area grounds. The subsequent appeals were dismissed on 19 November 2015 due to the schemes harmful impact upon the significance of the listed building and the character and appearance of this part of the Knightsbridge Conservation Area.

In 2017, applications were withdrawn for the replacement of existing, part single part two storey, rear extension with terraces located over the existing basement car parking area with an enlarged part single part two storey extension plus replacement terrace on the south side involving the remodelling of an existing brick abutment and provision of a replacement balcony at ground floor level.

7. THE PROPOSAL

Permission and listed building consent are sought for the erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

The floorspace figures are summarised in the below table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
C3 (residenital)	294	305	11

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application property is a single family dwelling house and the additional residential floorspace created would enlarge it. This would raise no land use implications.

8.2 Townscape and Design

Objections have been received on the grounds that the proposal would harm the character and appearance of the listed building and the Knightsbridge Conservation Area.

The previous schemes considered by the City Council, and by the Planning Inspectorate, were harmful to the listed building and Knightsbridge Conservation Area. The bulk of the proposed extension in the 2015 proposals would have unacceptably altered the historic

form of the building because it would not have been on top of the footprint of where the rear wing would have historically existed. It was proposed in 2015 to sit the extension back from the boundary with 57 Rutland Gate so it would be in part over the first roof terrace and then sail over the ground floor roof terrace to the south.

The current proposal results in an extension with a form appropriate in listed building terms as it is now restricted to above the historic footprint at ground floor and the set back has been omitted, thereby creating a layout more appropriate to this listed building. The resultant rear wing would be comparable to the general rear building pattern of the terrace and would not appear any taller than those which already exist. The removal of the ground floor infill conservatory extension to enlarge the existing terrace area, and the provision of a replacement balcony above, is not opposed on design grounds.

The detailed design of the proposal has also been amended from the previous applications, most notably the west elevation would now be viewed as a parapet wall, meaning that from the rear it would appear as a traditional solid closet wing. The proposed height has also been reduced, limiting the massing and bulk of the extension. Views of the property would be improved from the car park and from neighbouring buildings to the south, where the removal of the conservatory and improved design at first floor would create a pleasant book end.

For these reasons, the proposals are considered acceptable in design, townscape and listed building terms, and comply with polices DES1; DES5; DES9; and DES10; of the UDP, S25 and S28 of the City Plan as well as guidance contained within the City Council's SPG: Repairs and Alterations to Listed Buildings.

8.3 Residential Amenity

The proposed extended rear wing would be in close proximity to a number of residential properties, including 14 and 16 Ennismore Mews to the rear and 55 and 57/58 Rutland Gate adjacent (the building of 57 Rutland Gate includes flats addressed as 58 Rutland Gate).

Objections have been received from the occupiers/ owners of the ground and first floor flats at 57 and 58 Rutland Gate. Flat 17, 58 Rutland Gate is located at first floor level and 57 is located at ground floor level. These flats have windows which face the application site and windows that look down the side lightwell area. The grounds for objection primarily relate to an increased sense of enclosure, loss of light and loss of privacy. One objector has commissioned a daylight and sunlight with results that differ to the applicant's assessment. Reference is also made to their objections to the previous proposals which still stand.

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

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Sunlight and Daylight

The applicant has carried out an assessment of adjoining properties based on the methodologies in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice".

In assessing daylight levels, the Vertical Sky Component (VSC) measures the amount of light reaching the outside face of a window. If the VSC achieve 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. This assessment concludes that no window would suffer a loss greater than 20%.

An objector has commissioned their own daylight and sunlight assessment based on the same methodologies set out in the BRE guide. The conclusion of this assessment differs to the one conducted by the applicant. It finds that one window at 57 Rutland Gate at ground floor level which serves a bedroom would experience a loss of 24%, in excess of the 20% criteria. The objector's report suggests that this is likely to be because the applicant's assessment modelled the existing situation as having a higher degree of obstruction. They suggest this could be down to the applicant modelling the railings around the existing first floor roof terrace as solid, and consequently the applicant has underestimated the relative loss of daylight.

Whilst under the objector's assessment there would be a breach of the 20% criteria, the room effected benefits from a second window to the rear. This means the room will continue to be served by a window that does not fail the VSC test. The window also serves a bedroom which the BRE states should be considered of less importance than principle living areas. On balance therefore, it is not considered sustainable to resist the proposal on the grounds of loss of daylight.

In assessing sunlight levels, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 7% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours. No window would suffer a loss greater than 20%, the objector's assessment concurs, and therefore neighbours will not experience a noticeable loss of sunlight.

Sense of Enclosure

Both the 2014 and 2015 applications proposed building a first floor extension on the existing terrace. However the schemes were set back from the boundary with 57/58 Rutland Gate by either approximately 2.8m (the 2014 scheme) or 2.2m (the 2015 scheme). The council refused these applications on design grounds only (or in the case of the 2014 application would have been refused on design grounds only had the appeal against non-determination not been lodged). Both appeals were dismissed but the Inspector did not consider that the impact on the occupiers of the ground and lower ground floor flats at 57/58 Rutland Gate to be so harmful as to warrant refusal on amenity grounds.

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In dismissing the 2014 application the Inspector concludes for Flat 17, 58 Rutland Gate:

'The large window on the rear outrigger now has a relatively open southerly aspect across the existing first floor terraced area of the appeal site, and this would be blocked to some extent by the proposal. However, as the top of this window would be roughly level with the top of the extension, a reasonable sense of openness would remain. Moreover, the set back and height of the proposed first floor element, when coupled with the southerly aspect of the large window in the outrigger to Flat 17 and the other existing windows to the room it serves, mean there would not be an unacceptable reduction of light for those adjacent occupants.'

A copy of both appeal decisions is provided in the background papers.

The current application removes the set back that existed in the two previous schemes and positions the extension on the boundary with 57/58 Rutland Gate. However the height of the extension has been reduced compared to the two previous schemes and the extension now has a sloped roof profile. To reduce the bulk further the applicant has agreed to remove the dormer windows that would have faced Nos. 57/58 Rutland Gate Officers note the strong objections from both Flat 17, 58 Rutland Gate and 57 Rutland Gate but consider the impact to be comparable to the appeal schemes. Given the planning history of this site, including the two appeal schemes, it is not considered that a refusal on grounds of increased sense of enclosure would be warranted. A further consideration is that the relationship created between the application site and the objector's flats would be comparable to others on the terrace and elsewhere in this part of Westminster. An amending condition is recommended to ensure the removal of the two dormer windows. The removal of the dormer windows would also prevent any light spill from the extension to the objector's properties.

To the rear, the affected openings are rooflights to 16 Ennismore Mews. One rooflight is to the slope of the mansard roof of that building and it does enjoy an outlook that would be restricted because of the rear wall of the extension at first floor. However, as this rooflight is to a hallway, it is not considered this would be a sustainable reason for refusal in this instance.

To the southern side, the windows at 55 Rutland Gate and 14 Ennismore Mews are sufficient distance from the enlarged rear wing to ensure they would not be adversely affected.

Privacy

The existing first floor roof terrace allows for overlooking of neighbours. The proposed first floor extension would remove the first floor terrace and would therefore improve the privacy for the occupants of Flat 17, 58 Rutland Gate and 57 Rutland Gate.

The south facing openings and enlarged roof terrace at ground floor and provision of a replacement balcony above would not allow for a harmful increase overlooking over the existing arrangement given its orientation.

8.4 Transportation/Parking

The proposal does not represent an increase in residential units. There is no requirement for the provision of cycle or car parking.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Access arrangements will remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

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 CIL liable, less than 100 square metres of floorspace would be created.

8.11 Environmental Impact Assessment

The application is of insufficient scale to trigger the requirement of an EIA.

9. BACKGROUND PAPERS

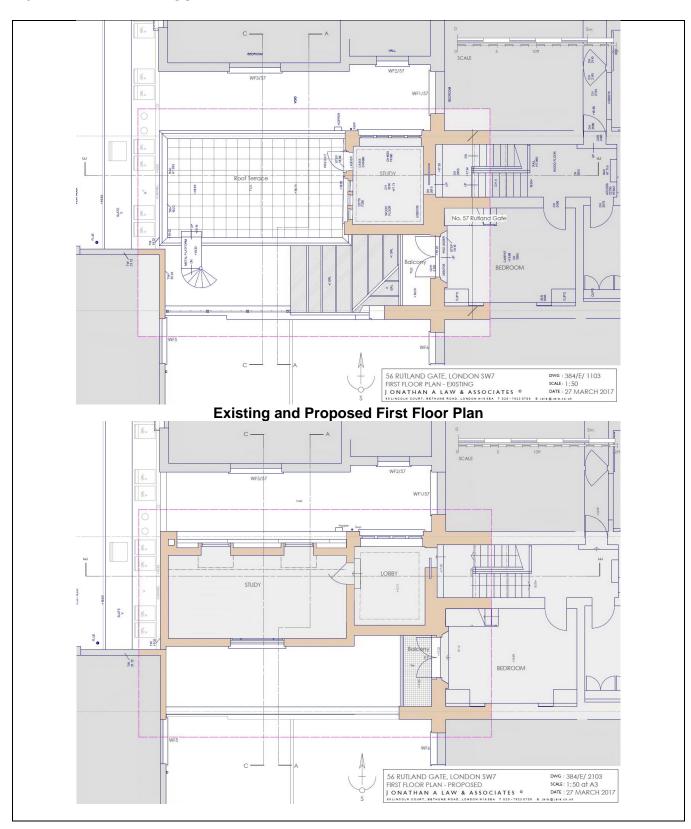
- 1. Application form
- 2. Response from Knightsbridge Association, dated 4 December 2017
- 3. Objections (x2) from occupier of Flat 17, 58 Rutland Gate dated 27 November 2017 and 12 March 2018
- Objection (including light assessment) on behalf of Flat 17, 58 Rutland Gate dated 9 December 2017
- 5. Objections (x2) from occupier of 57 Rutland Gate dated 7 December 2017 and 15 March 2018
- 6. Copies of appeal decisions dated 6 January 2015 and 19 November 2015.

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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)

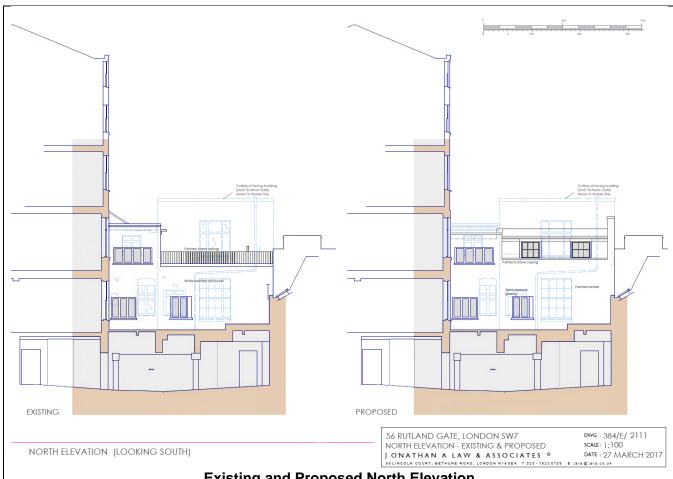
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

10. KEY DRAWINGS





Existing and Proposed South Elevation



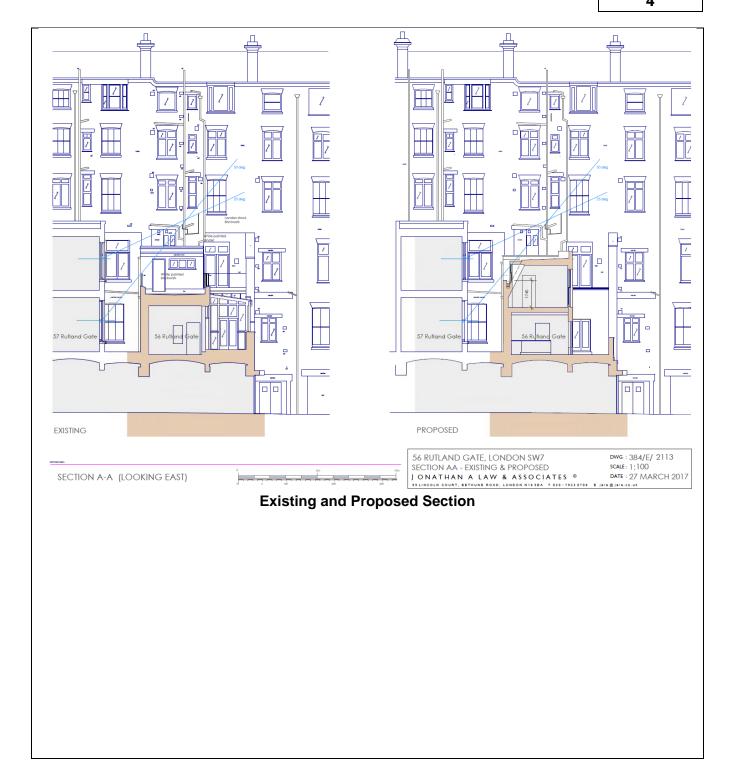
Existing and Proposed North Elevation

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Item No.



DRAFT DECISION LETTER

Address: 56 Rutland Gate, London, SW7 1PL

Proposal: Erection of a rear extension at first floor level and associated alterations, including

the removal of the existing conservatory at ground floor and replacement of the

balcony above.

Reference: 17/09793/FULL

Plan Nos: Site Location Plan; 384/E/1102; 384/E/2102; 384/E/1103; 384/E/2103; 384/E/1104;

384/E/2104; 384/E/2110; 284/E/2111; 384/E/2112; 384/E/2113; 384/E/2114;

384/E/2116; Cover Letter (Michael Maan); Combined Design and Access Statement and Planning Statement (Michael Maan); Heritage Statement (Jonathan A Law and Associates)., For Info Only:, 384/E/3113; 384/E/3114; Daylight and Sunlight Report

(Jessop Associates); 3D Model Images; Photosheets.

Case Officer: June Howitt Direct Tel. No. 020 7641 2069

Recommend and Reason(s)

The developer the second mitted shall be carried out in accordance with the drawings and other document is decision letter, and any drawings approved subsequently by the City Council as location and authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubter in the grests of proper planning.

- 2 Except for piling, excavation and delegative work you must carry out any building work which can be heard at the boundary of the sample.
 - o between 08.00 and 18.00 Monday to
 - o between 08.00 and 13.00 on Saturda
 - o not at all on Sundays, bank holidays and public ho

You must carry out piling, excavation and demolition

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

Noisy work must not take place outside these hours unless other and through a Control of Pollution Act 1974 section 61 prior consent in special circums as (followample, to meet police traffic restrictions, in an emergency or in the interests of publications). (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)

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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 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

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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
 - removal of the dormer windows

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the amenity of people in neighbouring properties by reducing the bulk of the extension. This is 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. (R26FD)

The glass that you put in the lower half of the dormer windows of the first floor extension must not be clear glass and these lower halfs of 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. 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. (R21BC)

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)

Informative(s):

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.

DRAFT DECISION LETTER

Address: 56 Rutland Gate, London, SW7 1PL

Proposal: Erection of a rear extension at first floor level and associated alterations, including

the removal of the existing conservatory at ground floor and replacement of the

balcony above.

Reference: 17/09794/LBC

Plan Nos: Site Location Plan; 384/E/1102; 384/E/2102; 384/E/1103; 384/E/2103; 384/E/1104;

384/E/2104; 384/E/2110; 284/E/2111; 384/E/2112; 384/E/2113; 384/E/2114;

384/E/2116; Cover Letter (Michael Maan); Combined Design and Access Statement and Planning Statement (Michael Maan); Heritage Statement (Jonathan A Law and

Associates).

Case Officer: Joshua Howitt Direct Tel. No. 020 7641 2069

Recommended (s) and Reason(s)

The works peeby per shall be carried out in accordance with the drawings and other documents it shall be carried out in accordance with the drawings and other sion letter, and any drawings approved subsequently by the City Council as local statements in the carried out in accordance with the drawings and other documents in accordance with the drawings are documents in accordance with the drawings are documents.

Reason:

For the avoidance of dot the state of proper planning.

All new work and improvements instant described the building must match existing original adjacent work in terms of the choice are rials method of construction and finished appearance. This applies unless differences are wn on the approved drawings or are required in conditions to this permission.

Reason:

To protect the special architectural or historic interest and appear and in hightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster City Plan November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that 10.146 in January 2007. (R27AC)

You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present

position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 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

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
 - removal of the dormer windows.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

Informative(s):

SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.