

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	15-16 Shillibeer Place, London, W1H 4DJ,		
Proposal	Erection of single storey mansard roof extension to create a new third floor and alterations to existing second floor mansard to create a sheer storey, both to enlarge two existing residential units (Class C3).		
Agent	Mr Anthony Richardson		
On behalf of	G Mundie and M Stanford		
Registered Number	17/10844/FULL	Date amended/ completed	19 January 2018
Date Application Received	6 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

## 1. RECOMMENDATION

Grant conditional planning permission

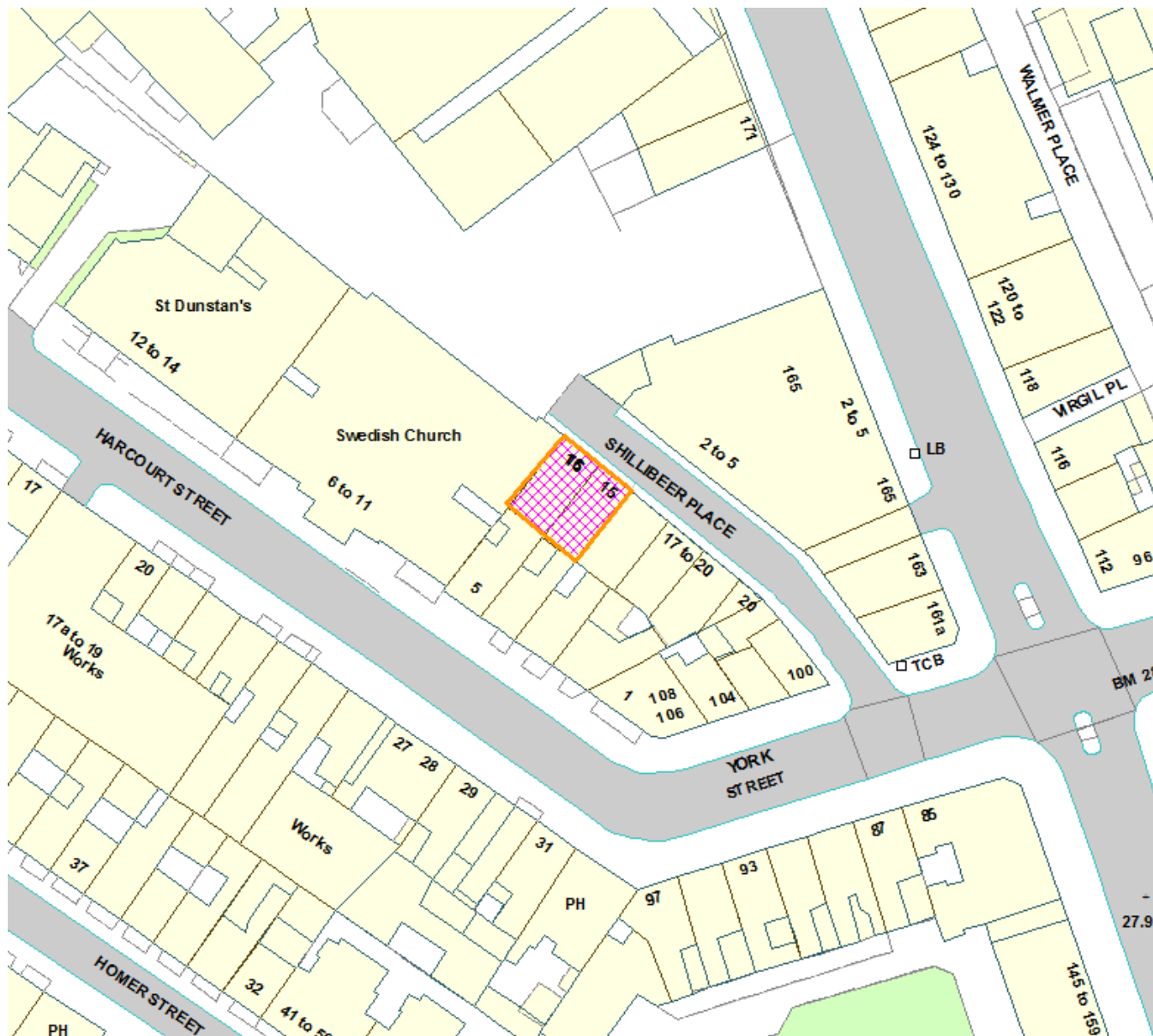
## 2. SUMMARY

Permission is sought for a roof extension to both 15 and 16 Shillibeer Place, which are currently configured as two separate, two-storey mews houses with accommodation at roof level.

The key issues for consideration are:

- The impact on neighbouring residential amenity;
- The impact on the character and appearance of the Portman Estate Conservation Area.

The proposal has been amended to ensure that the works would preserve or enhance the character and appearance of the Portman Estate Conservation Area. It is not considered that there would be any unacceptable harm to neighbours living conditions, for the reasons set out in the main report, and the proposal is therefore recommended for approval.



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## 4. PHOTOGRAPHS







## 5. CONSULTATIONS

MARYLEBONE ASSOCIATION: Objection

- Loss of daylight and sunlight to Harcourt Street and the Swedish Church
- Internal floor to ceiling heights are substandard
- Uniformity not characteristic for the area (due to some close buildings being 3-storey)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 34, Total No. of replies: 4

No. of objections: 3, No. in support: 1

4 letters of objection were received on the following grounds:

- Loss of daylight and sunlight to the rear of 3 and 5 Harcourt Street
- Loss of daylight to flats and community space at the Swedish Church
- Noise disturbance from construction
- Loss of privacy during construction
- Increased waste from construction

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site contains two unlisted buildings within the Portman Estate Conservation Area. Number 15 is adjoined to the north east by the Swedish Church in London (6 Harcourt Street) which is grade II listed. At the rear of the site and to the south-west is 2-5 Harcourt Street which are also grade II listed buildings. The site falls within the Central Activities Zone (CAZ) and is identified as an area of archaeological importance.

### 6.2 Recent Relevant History

17-20 Shillibeer Place was previously occupied by an office building which was demolished and replaced by four townhouses. This neighbouring terrace is now three storeys with a mansard roof.

#### 15-16 Shillibeer Place

Erection of a mansard roof extension at 2<sup>nd</sup> floor level and rear ground floor extensions with terraces at first floor level. (00/08275/FULL)

Refused March 2001

Reasons: Height and bulk of the roof extension would harm the character and appearance of the conservation area.

An informative on the decision notice notes that a floor to ceiling height of 2.3m or less, with a reduced secondary pitch would be viewed more favourably by the council.

Application 01/02952/FULL was subsequently submitted for the same works but with a revised design, and was approved in June 2001. This has been implemented.

**17-20 Shillibeer Place**

Demolition of existing offices at 17-20 Shillibeer Place and erection of three four-bedroom houses. Conversion of 100-102 York Street to create two single family dwellings with a further two-bedroom dwelling between the Shillibeer Place and York Street buildings. Conversion of existing pavement lights into a lightwell with metal railings. (Site includes 100-102 York Street).( 06/03184/FULL)

Application Permitted 10 October 2006

08/10733/FULL

Alterations during the course of construction to a permission dated 10 October 2006 (RN: 06/03184/FULL) for demolition of existing offices at 17-20 Shillibeer Place and erection of 3x4 bedroom houses; conversion of 100-102 York Street to create two single family dwellings with a further two bedroom dwelling between the Shillibeer Place and York Street buildings; conversion of existing pavement lights into a lightwell with metal railings. (Site includes 100-102 York Street); namely, the erection of 3 x 3 bedroom houses at 17-20 Shillibeer Place with first floor terraces at the rear of nos.17-19; increase in the height of the Shillibeer Place buildings by 0.7m and alterations to front and rear elevations.

Application Permitted 14 May 2009 This has been implemented

## **7. THE PROPOSAL**

The application proposes an additional mansard roof storey to both 15 and 16 Shillibeer Place. The existing second floor mansard would be converted to a sheer second storey. The proposal would extend both properties by 23 sqm. and would provide a third bedroom and en-suite bathroom to each.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The principle of extending residential properties is supported in land use terms. In this instance, the proposals would result in 2x 2-bed properties being increased to 2 x 3-bed properties which the Council considers to be capable of use as family accommodation. This would be supported, and is in accordance with policy S14 of the Westminster City Plan.

### **8.2 Townscape and Design**

The site is identified in the Portman Estate Conservation Area Audit (2003) as a building where a roof extension is unlikely to be acceptable in principle. The building is sited in a sensitive location in heritage asset terms, immediately adjacent to a grade II listed building at the Swedish Church, 6-11 Harcourt Street and a number of grade II listed buildings to the rear of the site at 1- 5 Harcourt Street, as well as 101- 108 York Street.

Planning permission was granted in 2001 for a single storey mansard extension at second floor level to 15- 16 Shillibeer Place. Planning permission is now sought for the demolition of this mansard storey and the addition of a sheer storey at second floor level with a new mansard storey above.

In 2009, planning permission was granted (08/10733/FULL) for the redevelopment of the neighbouring group of buildings at 17- 20 Shillibeer Place, which involved the demolition

of the pre-existing three storey (including mansard level) buildings with a group of three four-storey buildings, including a mansard storey. Following the implementation of this approval, the buildings forming 17- 20 Shillibeer Place are currently a storey higher than that at 15 and 16 Shillibeer Place, which are located immediately to the west. It is therefore considered that a single storey upwards extension to 15 and 16 Shillibeer Place to create a pair of four storey buildings is not uncharacteristic of this part of the conservation area and will preserve the unity of this group of buildings on the south side of Shillibeer Place.

Although the site is identified in the Portman Estate Conservation Area Audit as a building where a roof extension is unlikely to be acceptable in principle, this Audit dates from 2003, and pre-dates both the 2006 and 2009 planning consents at the adjoining site; 17 – 20 Shillibeer place. Given the change in circumstances, the addition of a third storey (to match the adjoining properties) is now considered to be acceptable in principle.

The proposed mansard extension is to be slightly higher than that approved to the neighbouring building given the differential levels of the site. Following pre- application discussions the design has been revised to align the front parapet with that of the neighbouring site and the mansard has been hipped away from the grade II listed Swedish Church immediately to the west of the proposal site. Given that it will face a secondary (rear) elevation of the church, it is considered that the proposed roof extension will not harm the setting of this listed building. Following negotiations, the design has also been revised to show a 70 degree pitch to the rear of the mansard storey, which reflects a traditional mansard form, compliant with the Council's Supplementary Planning Guidance on Roof Extensions, and the form of the existing mansard storey at nos. 17- 20. Following these design amendments, the proposed mansard storey will preserve the character and appearance of the roofscape in this part of the conservation area and is recommended for approval.

The proposed replacement windows with glazing bars are acceptable in design terms subject to detail, which can be secured through condition.

One objection has been received on design grounds from the local amenity society, who note that the buildings to the corner of Shillibeer Place and Harcourt Street are three storeys in height, which reduces the argument for uniformity. Whilst it is accepted that 20 Shillibeer Place and the grade II listed buildings at 100- 105 York Street are lower than the proposed scheme, views of the proposal site in relation to these buildings are very limited. The relationship between the proposal site and nos. 17- 19 Shillibeer Place is more important given that the application site is viewed immediately alongside these higher buildings. It is therefore considered that refusal on these grounds would be unsustainable and this objection cannot be supported in design terms.

Overall, the proposal is considered compliant with DES 6 and DES 9 of the UDP and will preserve the character and appearance of this part of the conservation area and the setting of the nearby listed buildings. The application is therefore recommended for approval in design terms.

### 8.3 Residential Amenity

UDP policy ENV13 states that permission will not be granted for development proposals which result in a material loss of amenity to neighbouring residential properties with regard to the level of daylight or sunlight received, any increase in the sense of enclosure to adjoining windows or any loss of privacy. Similarly, City Plan policy S29 seeks to safeguard the amenities of neighbouring residential properties.

The nearest residential dwelling adjoins to the south of the site (17 Shillibeer Place). This property is three storeys with accommodation at roof level. The rear wall of this property is stepped further back than the rear wall of 15-16 Shillibeer place, and as such it is not considered that the proposal would harm the living conditions at this neighbouring property.

3 – 5 Harcourt Street is a terrace of properties located to the rear of the application site, generally with commercial uses on the ground floor and residential maisonettes above. These properties have residential windows that directly overlook the application site with a separation distance of approximately 7.5m. To each property, one column of windows serves the stairwell, and the other, mostly bathrooms, with one bedroom at second floor level at 3 Harcourt Street and possibly a kitchen at rear first floor of No. 5: access to this property has not been possible and available plans show either bedroom or kitchen. At the Swedish Church there is residential accommodation to the upper floors (third floor and above) of the south west wing.

#### Sunlight and Daylight

Policy ENV 13 seeks to ensure good daylight levels to habitable rooms in existing residential properties.

The principle test for measuring the impact of the development upon the level of light received to neighbouring properties is the Vertical Sky Component (VSC), the amount of light reaching the face of a window. If the VSC is both less than 27% and values as a result of the development would be less than 0.8 times its former value then the impact would be noticeable. The submitted report confirms that some neighbouring rooms already have a VSC below 27%, but no neighbouring rooms would receive less than 0.8 times their former value: the maximum loss of light is 18.1% VSC to the rear of 5 Harcourt Street. However, this room is a bathroom. Therefore the proposal fully complies with BRE guidelines for VSC.

The impact of the development on the amount of sunlight received to neighbouring properties is measured by Annual Probable Sunlight Hours (APSH). Only those windows which face within 90 degrees of due south need to be tested. If the proposed sunlight is less than 25% APSH including 5% in the winter months and the loss is greater than 20% over the whole year, then the loss of sunlight will be noticeable. None of the windows along Harcourt Street face within 90 degrees of south, therefore no assessment of daylight to these properties is required. Properties along the opposing side of Shillibeer place have been assessed and the report demonstrates compliance with the BRE guidelines.

There are residential apartments within the Swedish Church, located at third floor and above to the south west wing of the building. No access has been obtained to these units (though access was provided to parts of the church): it is understood that this



accommodation is used by visitors to the church. These residential windows are obliquely offset from the application site, and have a separation distance of approximately 7m. Owing to the variation in natural ground level, and internal floor to ceiling heights, these residential windows are approximately one storey higher than the existing mansard roof at 15-16 Shillibeer Place. Given the relationship between the two sites, the proposed mansard level would only have very limited oblique views towards the accommodation at the Swedish Church, it is therefore considered that there would be no unacceptable loss of privacy to residential units at the Swedish Church.

Objections are raised that the proposal will adversely affect the church hall, library and café, which are below ground and receive natural light via a skylight and a number of ground floor south facing windows. However, since these are not habitable spaces in residential use, they cannot be afforded the same level of protection under the BRE guidelines as residential accommodation. Nevertheless, it is considered that the impact of the proposals will be minimal. These spaces are located at basement level and predominantly benefit from double height floor-ceiling clearance. A site visit has shown that a number of large high level windows and rooflights provide good levels of daylight and sunlight into these spaces given their location at basement level. The proposal is for a roof extension to existing buildings due north east of the Swedish Church: the proposed development area is already significantly screened from view by a protruding chimney stack/flue which forms part of the Swedish Church itself. Accordingly it is not considered that the proposed roof extension would result in any unacceptable loss of daylight to the church hall, café or library (nor a flat roof that is informally used as a terrace).

The daylight and sunlight report has demonstrated that the scheme would be BRE guideline compliant and the proposal is acceptable with this regard and the objections are not sustainable.

### **Sense of Enclosure**

The proposed building would be similar in height and massing to the existing building at 17-20 Shillibeer Place. Given its central London location, the application site has a normal domestic relationship with neighbouring residential properties along Harcourt Street and the opposite side of Shillibeer Place. The nearest windows to each being approximately 8.5m away. The positioning and mansard design of the additional storey is not considered to cause any unacceptable sense of enclosure to neighbouring properties.

### **Privacy**

Given that the proposed use of the third floor/ mansard roof space would remain as residential, and that both 15 and 16 Shillibeer Place would remain as single family dwellings the proposal is not considered to adversely impact neighbouring properties in terms of overlooking.

### **Noise**

The proposed additional storey would serve as an two single family dwellings. It is not considered that the nature of the proposed development would result in any unacceptable noise disturbance.

### **Quality of living accommodation**

The proposed extension would increase both 15 and 16 Shillibeer Place by 23 sqm. to provide an additional bedroom and en-suite bathroom to each property. This would make both units 3-beds and therefore suitable for family accommodation.

One objection raises concern that the proposed accommodation would have an internal floor to ceiling height of 2.3m. Nationally Described Space Standards (NDSS) 2015 sets out that the minimum internal floor to ceiling height should be 2.3m the application complies with this standard, and it is noted that lower floors to the properties already have 2.3m internal headroom.

Overall, the proposed living accommodation would be of a good quality and would comply with the NDSS.

### **8.4 Transportation/Parking**

There would be no change to the existing access or parking arrangement.

### **8.5 Economic Considerations**

Any economic benefits would be welcomed.

### **8.6 London Plan**

This application raises no strategic issues.

### **8.7 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.

### **8.8 Planning Obligations**

The application does not trigger any planning contributions.

### **8.9 Other Issues**

#### **Construction impact**

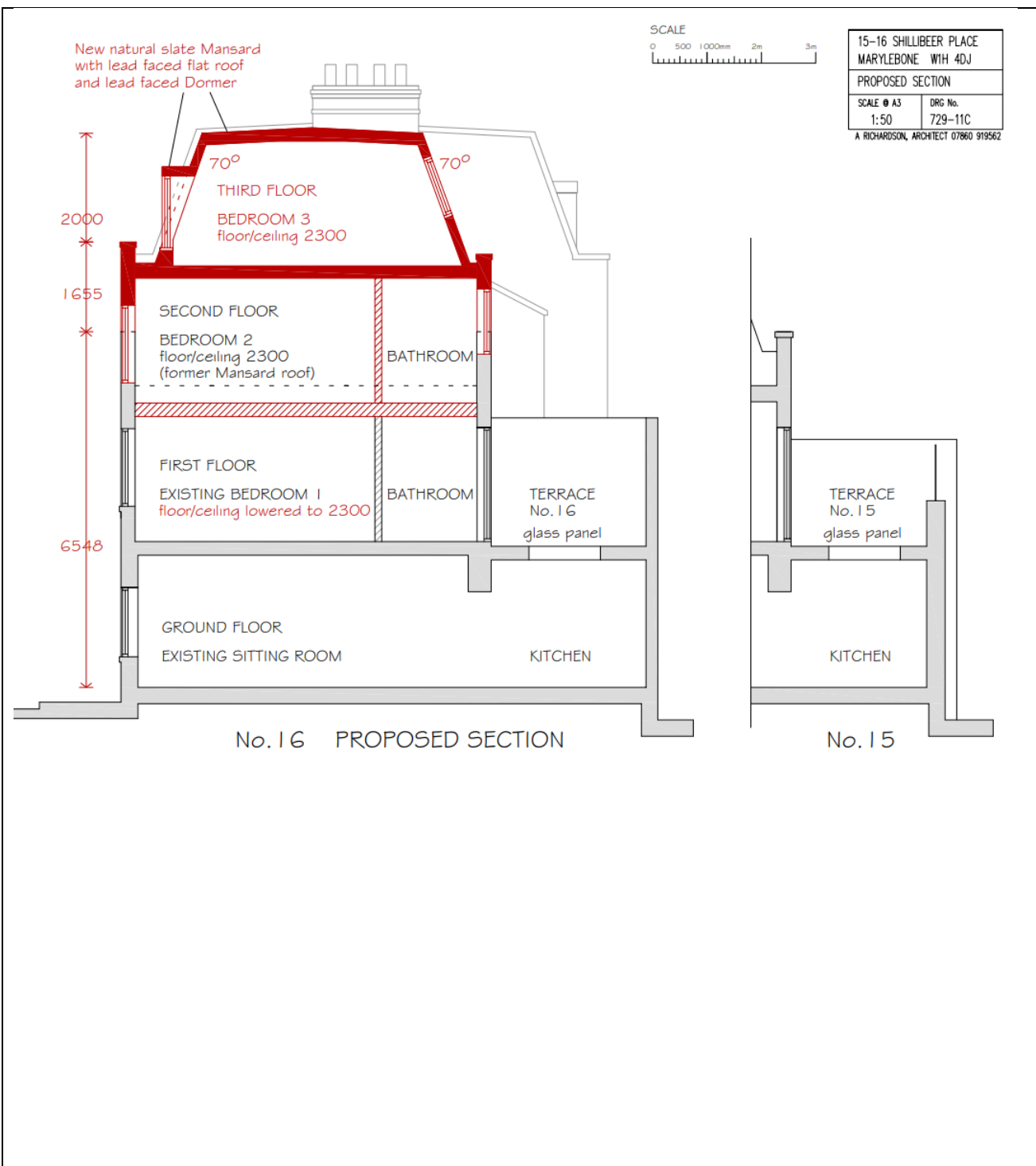
Objections have been received on the grounds of construction impact, in terms of noise, loss of privacy and increased waste and litter (during construction). Any construction impacts would be transient in nature, and therefore not a sustainable reason for refusal. A condition is recommended to limit the hours of construction, and informative has been added to advise the applicant of the Considerate Contractors scheme.

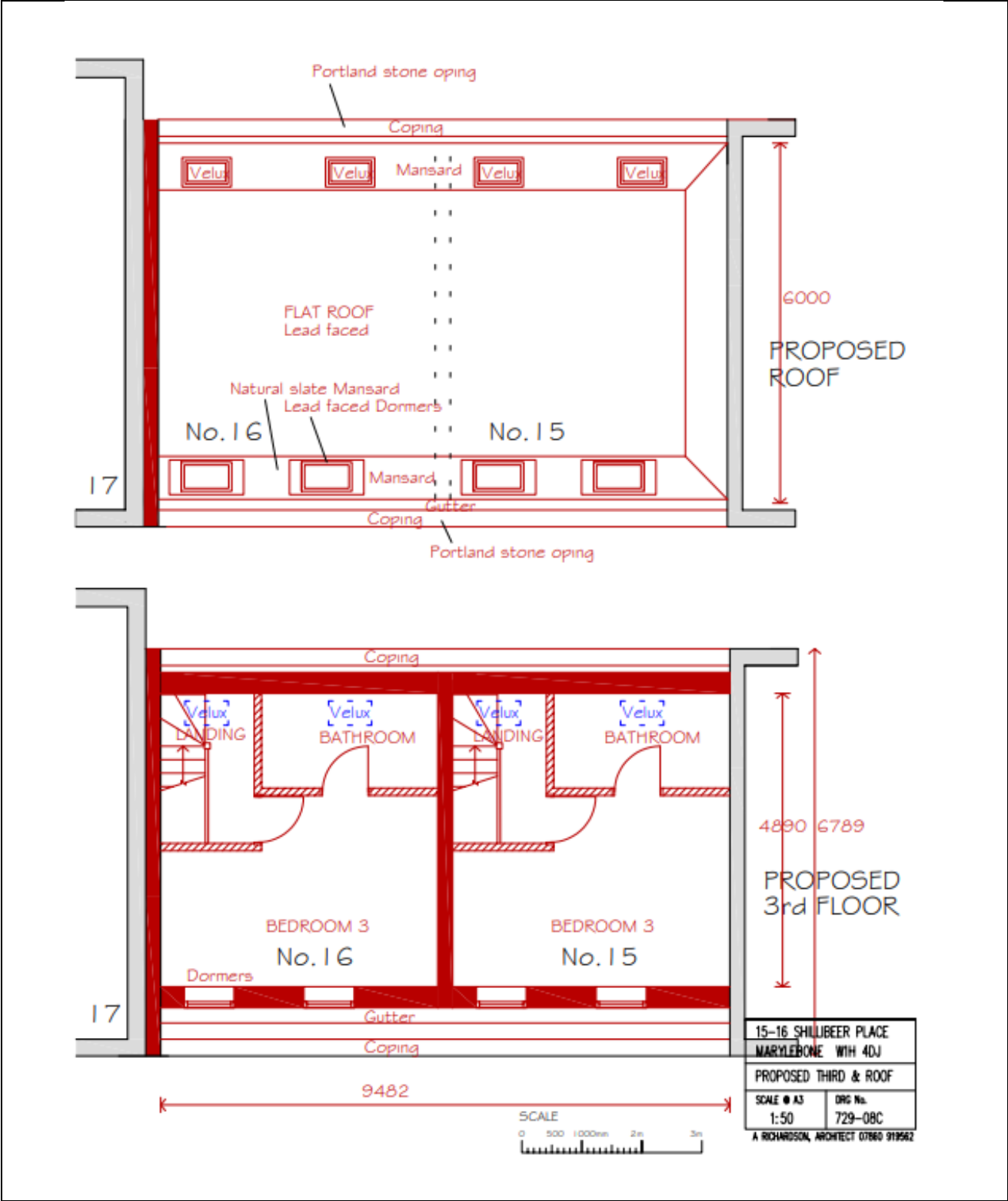
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

9. KEY DRAWINGS







**DRAFT DECISION LETTER**

**Address:** 15-16 Shillibeer Place, London, W1H 4DJ,

**Proposal:** Erection of single storey mansard roof extension to create a new third floor and alterations to existing second floor mansard to create a sheer storey, both to enlarge existing residential units (Class C3).

**Reference:** 17/10844/FULL

**Plan Nos:** 729-06B, 729-07A, 729-08C, 729-09G, 729-10D, 729-11C

**Case Officer:** Gemma Bassett

**Direct Tel. No.** 020 7641 2814

**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 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:

- 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.

You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and , 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 Portman Estate 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 You must apply to us for approval of detailed drawings of the following parts of the development:

1. External windows (1:20 and 1:5)
2. Dormers (1:20 and 1:5)
3. Rooflights (1:20)
4. Junction at roof level between proposal site and Swedish Church (1:5)

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

## 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 Portman Estate 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 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

## 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 Portman Estate 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 apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

## 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 Portman Estate 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)

- 7 The mansard storey hereby approved shall be clad in a natural slate of a dark grey colour to match the existing neighbouring mansard at 17- 19 Shillibeer Place.

**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 Portman Estate 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)

- 8 The height of the mansard storey hereby approved shall not exceed the height of the existing flank party wall adjacent to 17 Shillibeer Place (excluding the chimney stack).

**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 Portman Estate 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)

- 9 Notwithstanding the roof plan hereby approved, the existing chimney shall be retained.

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 Portman Estate 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)

**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.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

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.