

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 January 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Knightsbridge & Belgravia	
Subject of Report	Flat 30, Chelsea Gate Apartments, 93 Ebury Bridge Road, London, SW1W 8RB		
Proposal	Erection of a single storey extension on the fifth floor terrace area of the existing duplex residential apartment.		
Agent	Mr Richard Shaw		
On behalf of	Mr. & Mrs. Mark & Victoria Western		
Registered Number	23/04689/FULL	Date amended/ completed	17 July 2023
Date Application Received	7 July 2023		
Historic Building Grade	Unlisted		
Conservation Area	Outside		
Neighbourhood Plan	No		

1. RECOMMENDATION

1. Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

Chelsea Gate Apartments is an unlisted building located outside of a conservation area. Built in the late 1990s the building comprises of residential flats. The application proposal relates to Flat 30, which is arranged over fifth and sixth floor level of Chelsea Gate Apartments. The proposed extension is located on part of an existing terrace, which overlooks the communal garden of Gatliff Close, which serves residential flats.

The key considerations in this case are:

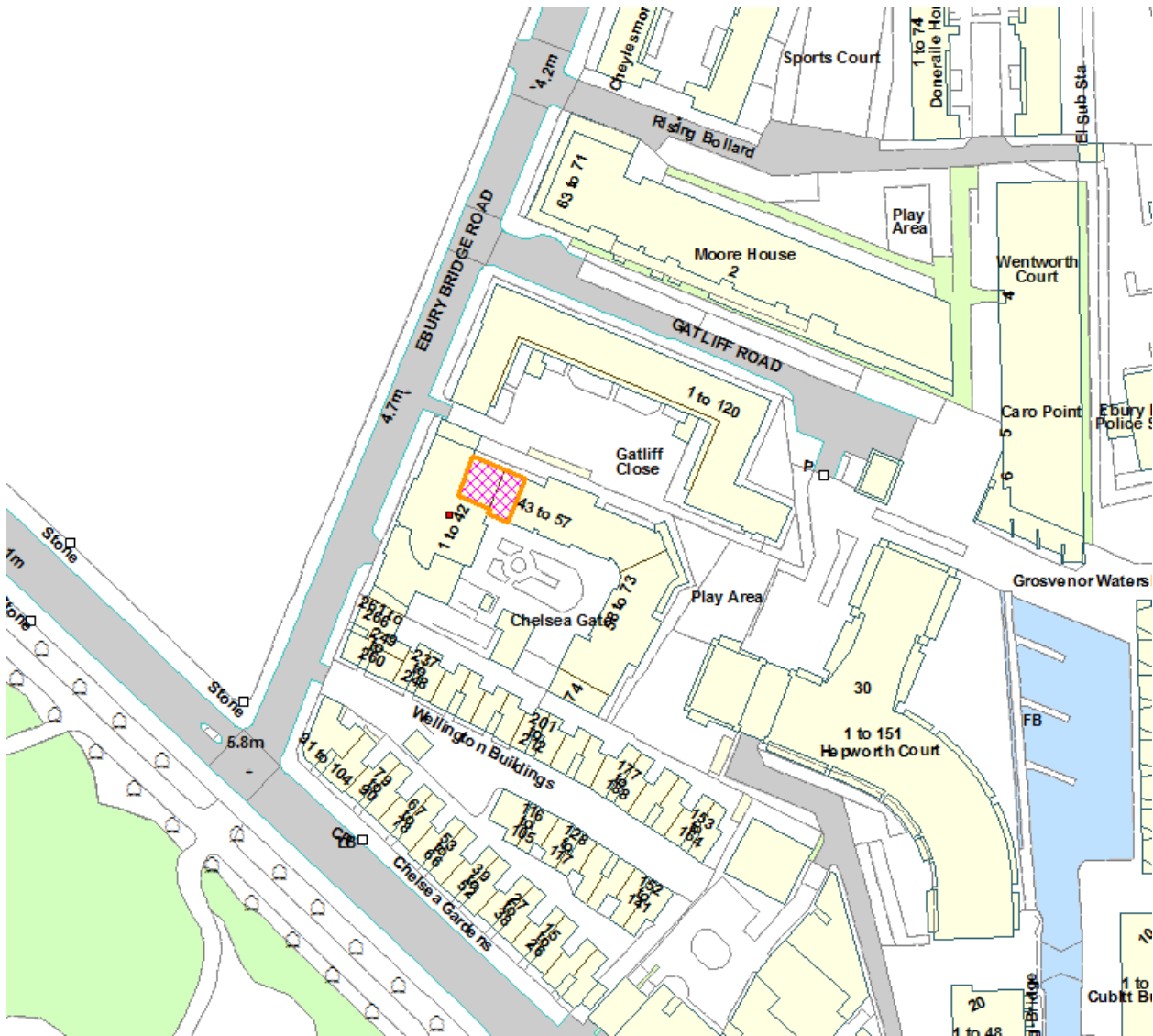
- The impact on residential amenity.
- The impact of the proposed extensions on the character and appearance of the building and

wider conservation area.

Objections have been received from and on behalf of residents within Gatliff Close, concerning loss of light to windows within the flats and to the existing communal garden area.

As set out in this report the proposed development would accord with relevant policies in the City Plan (2021). The application is therefore recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

FIRE HEALTH AND SAFETY:

Satisfied with the fire safety design relating to the project description to the extent that it affects land use planning.

WESTMINSTER SOCIETY:

Any comments to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 188.

Total no. of responses: 2

No. of objections: 2.

No. in support: 0

Amenity

- Loss of light to the opposing flats and communal garden space at Gatliff Close.

SITE NOTICE and PRESS NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Council's Early Community Engagement Guidance (February 2022) encourages developers to communicate with local stakeholders and communities through online or leaflet methods. The applicant has not provided any evidence of engagement with the local community and key stakeholders in the area prior to the submission of the planning application which is disappointing given the advice and principles set out in our Early Community Engagement guidance.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (September 2023) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the

development plan, unless material considerations indicate otherwise.

6.2 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

Chelsea Gate Apartments is located on Ebury Bridge Road, adjacent to Gatliff Close and Grosvenor Waterside, and opposite Chelsea Barracks. The building is within close proximity to the boundary with the Royal Borough of Kensington and Chelsea.

Built in the late 1990s the building comprises of residential flats. The application proposal relates to Flat 30, which is arranged over fifth and sixth floor level and has access to its own roof terrace at fifth floor level. The application site overlooks the communal garden and residential flats of Gatliff Close.

The building is not listed and is located outside of a conservation area.

7.2 Recent Relevant History

18/06817/FULL: Erection of single storey extension at fifth floor level to Flat 36 granted conditional permission on the 30 November 2018.

01/04850/FULL: Erection of an extension on roof terrace at fifth floor level granted conditional permission on the 8 November 2001.

8. THE PROPOSAL

Planning permission is sought for the erection of a single storey extension on part of the fifth-floor terrace area of the existing flat.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policy 8 (Housing Delivery) of the City Plan 2019-2040 (April 2021)

The proposal seeks to provide additional residential accommodation. In land use terms there is no objection to the new extension in terms of providing additional residential floorspace.

9.2 Townscape, Design & Heritage Impact

Legislative & Policy Context

Key considerations in assessing the proposals will be impact upon the appearance of the building and the surrounding area. The proposals are assessed against the National Planning Policy Framework (NPPF 2023), specifically Chapter 12, as well as policies 38 and 40 of Westminster's City Plan 2019-40 (April 2021).

Chapter 12 (Achieving well-designed places) emphasises the need for development to be sympathetic to the local character and surrounding built environment and landscape setting.

Policy 38 Design Principles (A) states that new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design....(B) respond to Westminster's context by positively contribution to Westminster's townscape and streetscape.

Policy 40 Townscape and Architecture, states that (A) Development will sensitively designed, having regard to the prevailing, scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape. (B) goes on to state that: Spaces and features that form an important element in Westminster's local townscape or contribute to the significance of a heritage asset will be conserved, enhanced and sensitively integrated within new development.

The design of the proposed extension is similar to the extension approved to Flat 36 in 2018 (18/06817/FULL). The proposed extension is a single storey extension onto the existing fifth floor terrace area serving Flat 30. The proposed extension will be formed in stonework to match the existing building, and will be relatively modest measuring 4.9m x 4.7m x 3m. It will incorporate a glazed skylight and aluminium framed doors onto the existing terrace area. The extension will be set in approximately 0.4m from the edge of the roof and would retain approximately 5m depth of the terrace area.

Given the proposed materials would match the existing elevation at fifth floor level and given the modest scale of the extension, it will not have an adverse impact on the character and appearance of the building and is considered acceptable in design terms.

9.3 Residential Amenity

Policy 7 (Managing development for Westminster's people) states that development will be neighbourly by (A) Protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Two objections have been received from residents of Gatliff Close on the grounds that the proposed extension will cause a loss of light to the lower ground floor flats and to the communal garden space.

Daylight & Sunlight

The side elevation of Chelsea Gate Apartments fronts onto the communal garden space of Gatliff Close. Gatliff Close is a residential block of flats, which wraps around the communal garden space. The flats are arranged over five levels, with the front entrances to the building overlooking the communal garden space. The entrances to the flats are off walkways and each flat has a single window to one side of the entrance door. The walkway at each level is protected by the balcony overhang above and metal railings. The lower ground floor flats are located at a half level, with the upper most part of the flat at the same level as the communal garden and are set back from the communal garden by a walkway with fencing to the perimeter the communal garden in front of the lower ground floor flats.

The distance between the side elevation of Chelsea Gate Apartments and the rear elevation of Gatliff Close is approximately 28m. The distance between the top of the proposed extension to the lower ground and ground floor elevation of Gatliff Close are approximately 34m and 33m away respectively. The applicant has submitted a drawing to show the relationship between the proposed extension and the windows of Gatliff Close facing the application site so that this relationship can be better understood.

During the course of the application, the applicant also provided a daylight and sunlight report which has assessed 15 windows located directly opposite the proposed extension in Gatliff Close. The report assesses the impact on these properties against the Vertical Sky Component (VSC) measure of daylight and Annual Probable Sunlight Hours (APSH) measure of sunlight. These are measures included in Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice".

In terms of daylight, the VSC measures the amount of daylight reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss could be noticeable. The report has not assessed the No Sky Line (NSL) measure of daylight, which is another measure of daylight.

In terms of Sunlight, it is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

Of the windows assessed, none would suffer levels of light loss in excess of the BRE 20% threshold for the VSC and APSH measures. This indicates that the windows will not experience a noticeable loss of daylight or sunlight (which is to be expected given modest size of the proposed extension and distance to it). Notwithstanding these results, the windows affected are unlikely to be the main habitable space (i.e. living rooms) of the flats. It is understood that the flats are laid out such that the kitchens (along with the front doors of the flats) face toward the communal garden and proposed extension.

In relation to overshadowing of the communal gardens, while it could have been helpful

if the applicant's report had assessed this, given the modest size of the extension, given the context of the existing building and given the distance between the Chelsea Gate Apartments building and Gatliff Close, it is evident that there will not be a significant impact on the communal area. Because Gatcliff Close lies to the north of Chelsea Gate Apartments, that building already overshadows the communal garden but the addition of this modestly size extension, which is set back and behind a parapet, will not detrimentally worsen this impact.

Sense of Enclosure

The extension is set in approximately 0.4m from the edge of the parapet and is located approximately 28m from the building face of Gatliff Close. The proposed extension will occupy part of the existing terrace area but would retain half of the existing terrace nearest to the neighbouring window (approximately 6m away), which is located on the same level as the application site. Given the location and distances involved the proposed extension will not cause a material sense of enclosure to the adjoining flats.

Privacy

There are no windows on the side elevation of the new extension which could overlook the communal gardens or the flats within Gatliff Close. The extension is located on part of the existing terrace and is located approximately 6m from the window within the adjoining flat. The proposed extension would therefore not cause a material loss of privacy or overlooking.

9.4 Economy including Employment & Skills

The development is of insufficient scale to require an employment and skills plan.

9.5 Other Considerations

None.

9.6 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.7 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

10. Conclusion

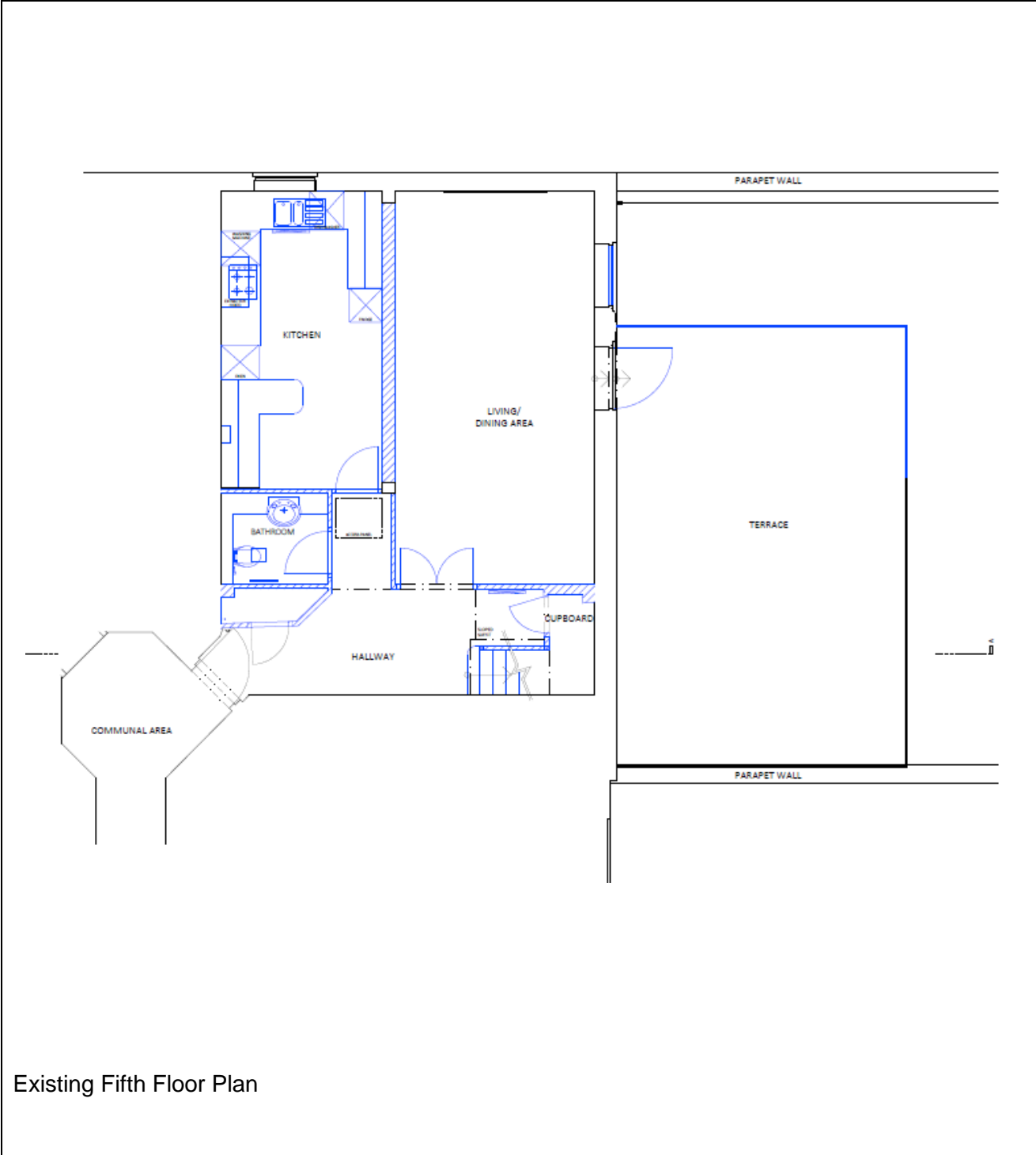
The proposed extension provides a modest addition to the existing flat. This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also

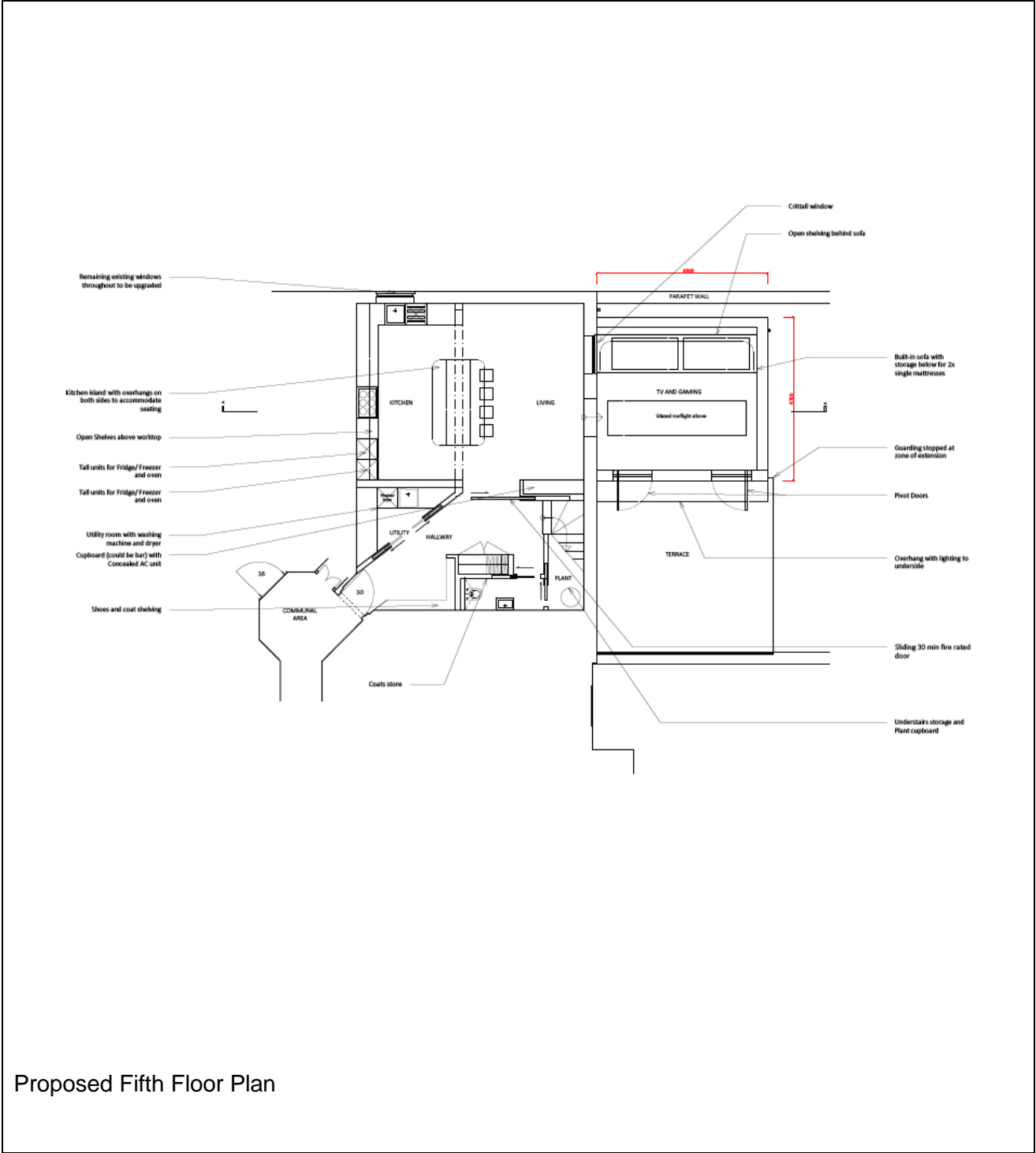
considered the weight to be attributed to the public benefits and harm that would arise from the scheme. With regard to this assessment, it has found that the proposed development is acceptable.

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

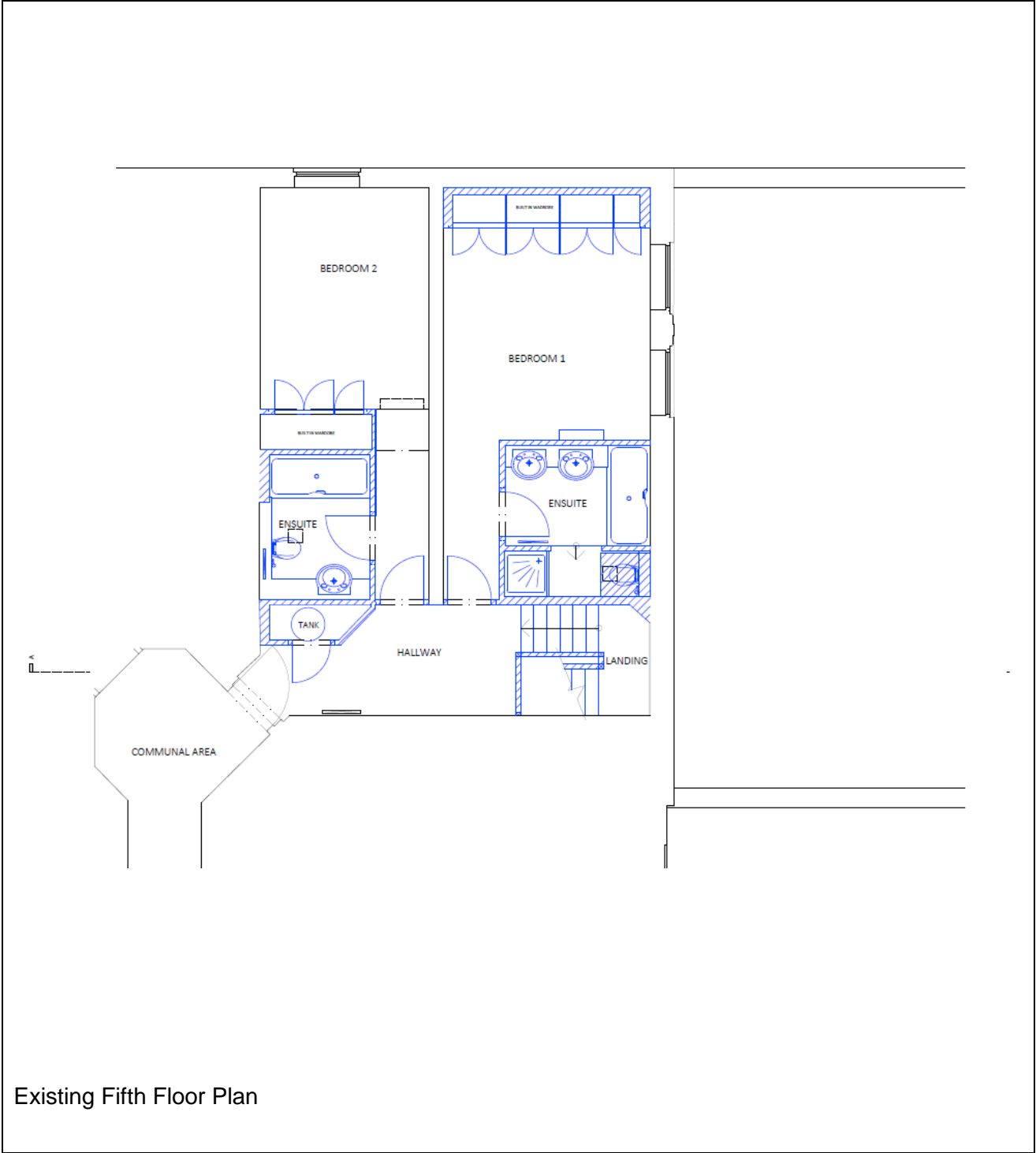
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT JHOWITT@WESTMINSTER.GOV.UK

11. KEY DRAWINGS

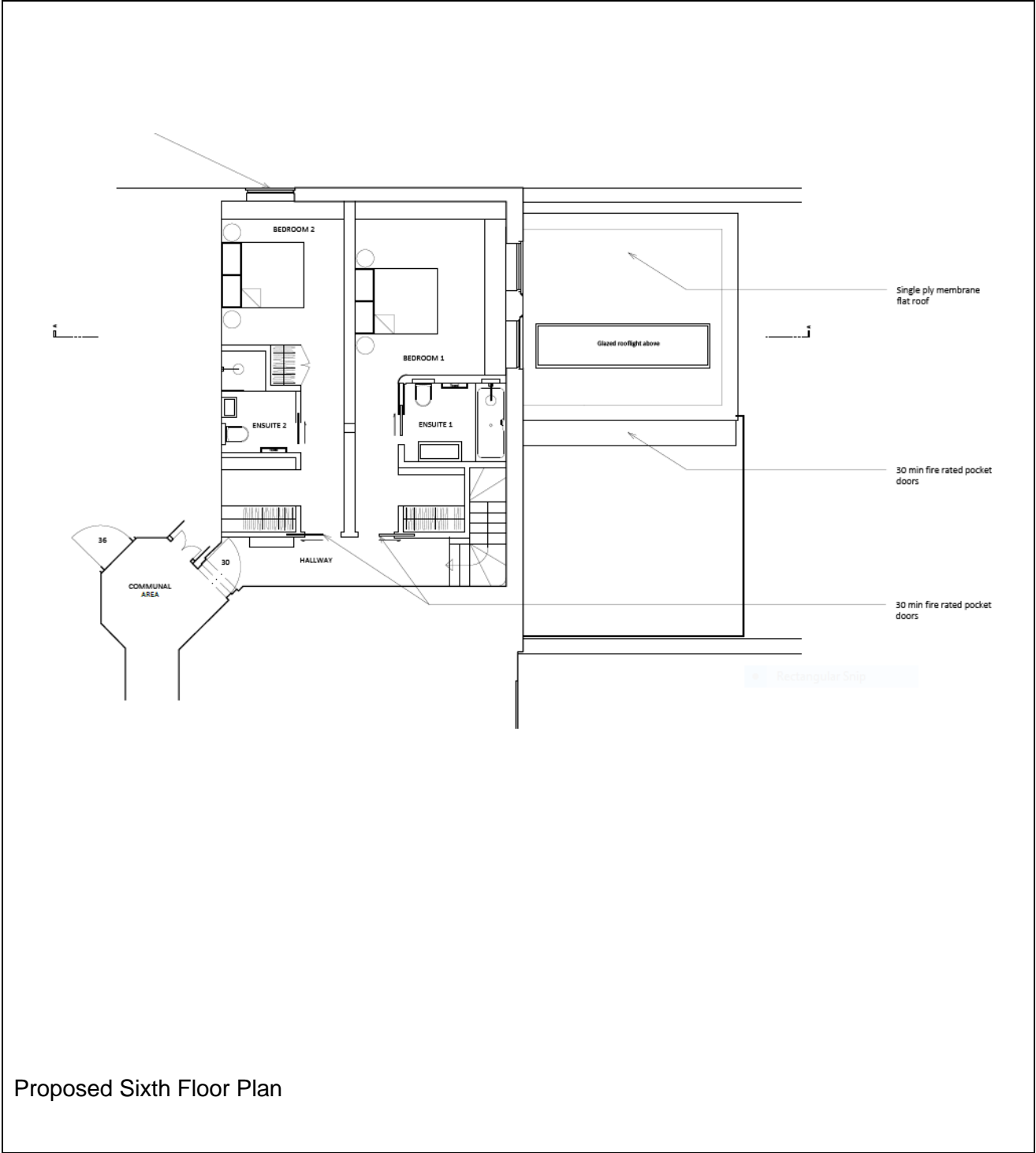




Proposed Fifth Floor Plan



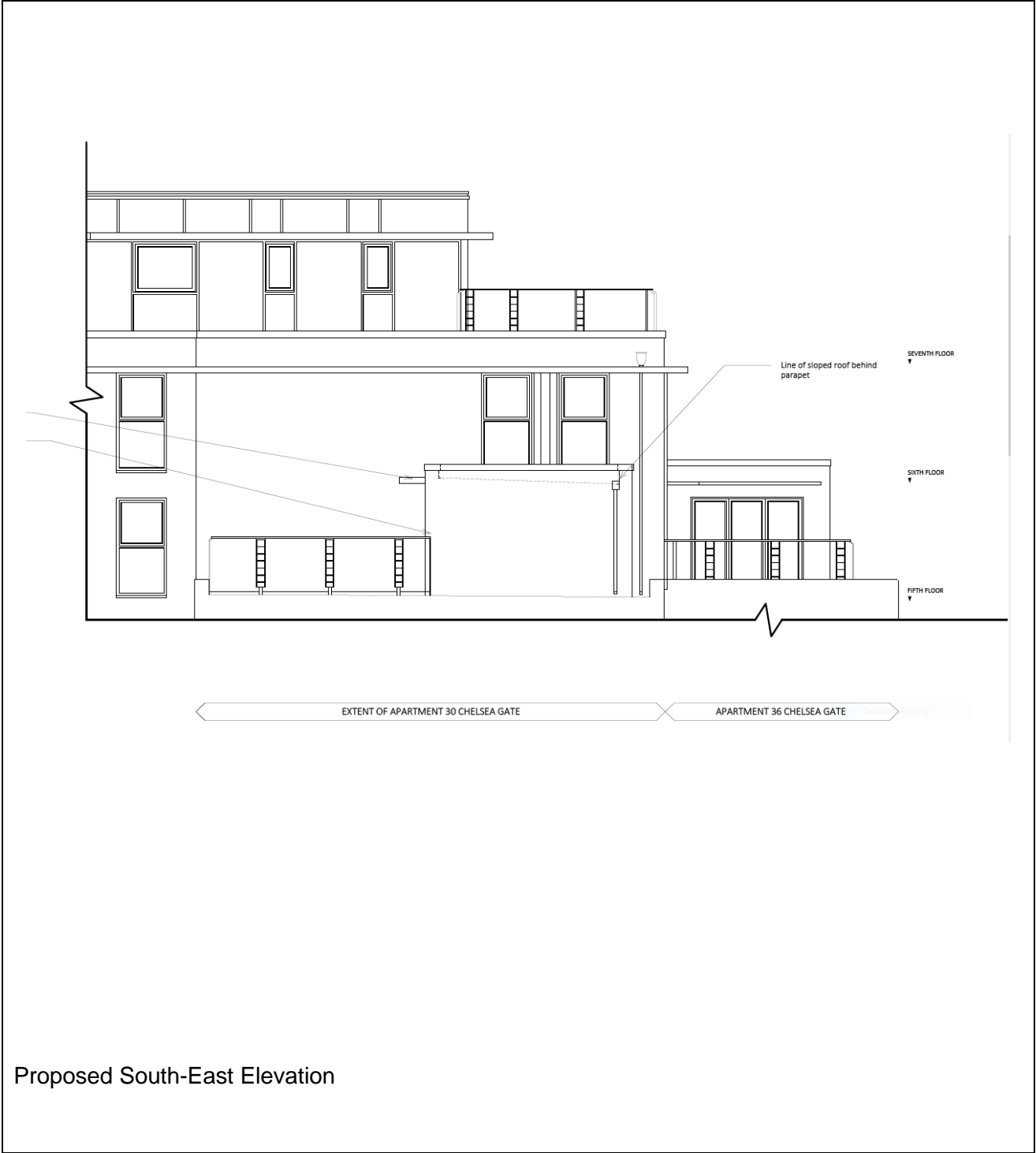
Existing Fifth Floor Plan

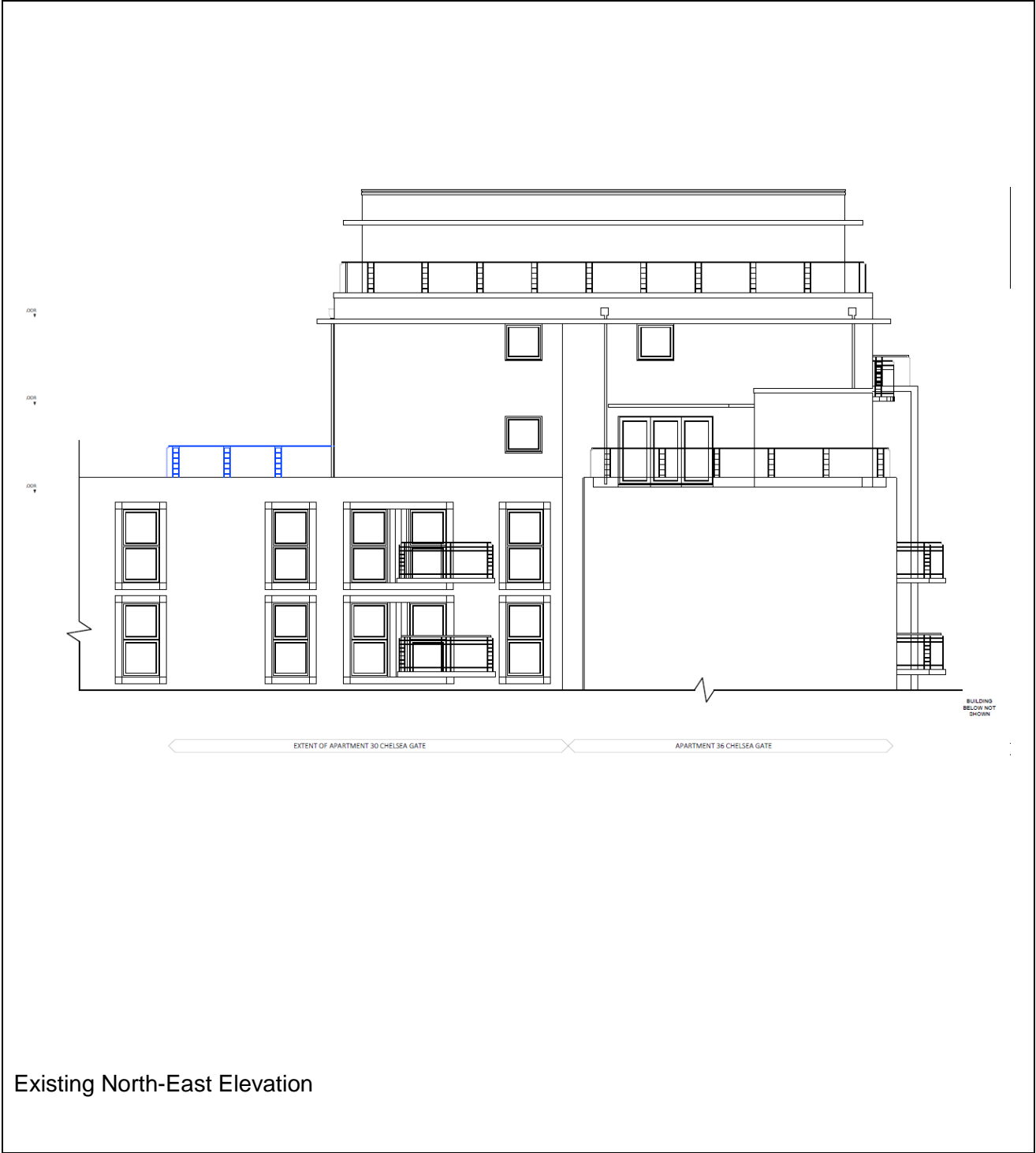


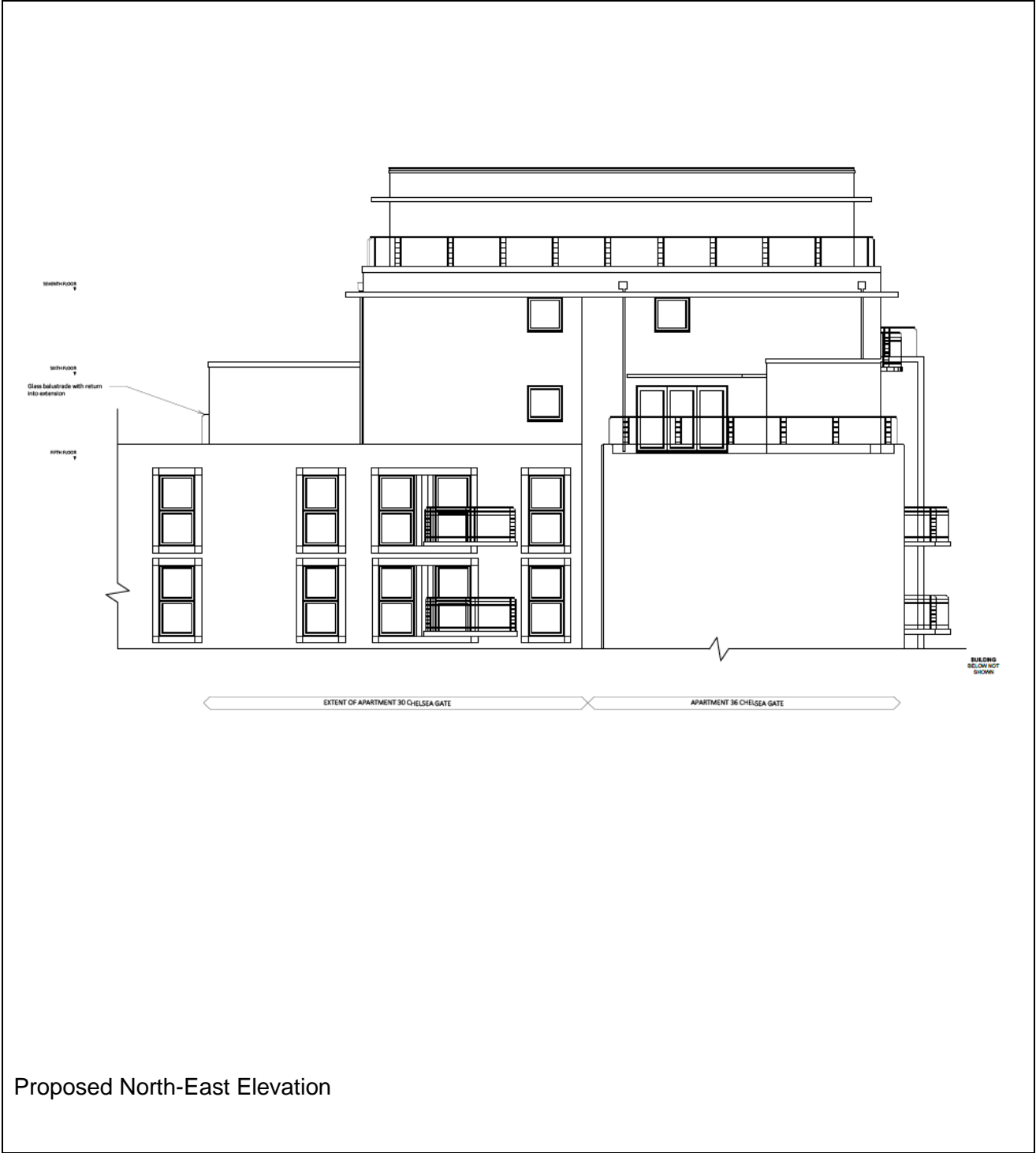
Proposed Sixth Floor Plan



Existing South-East Elevation



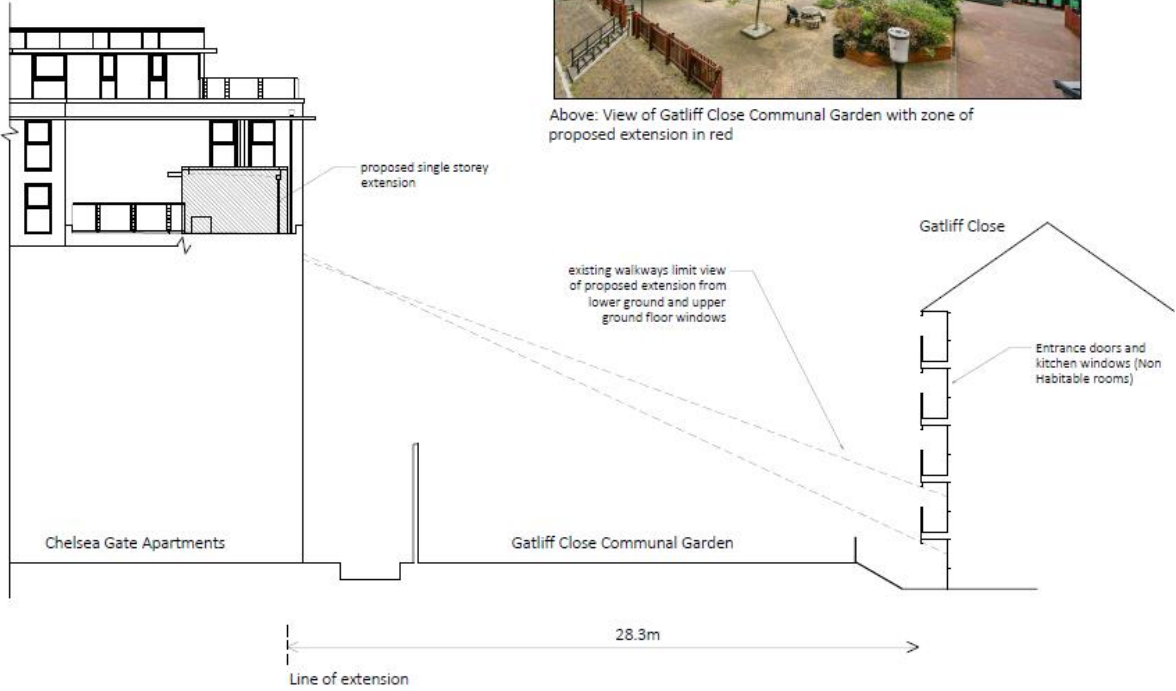




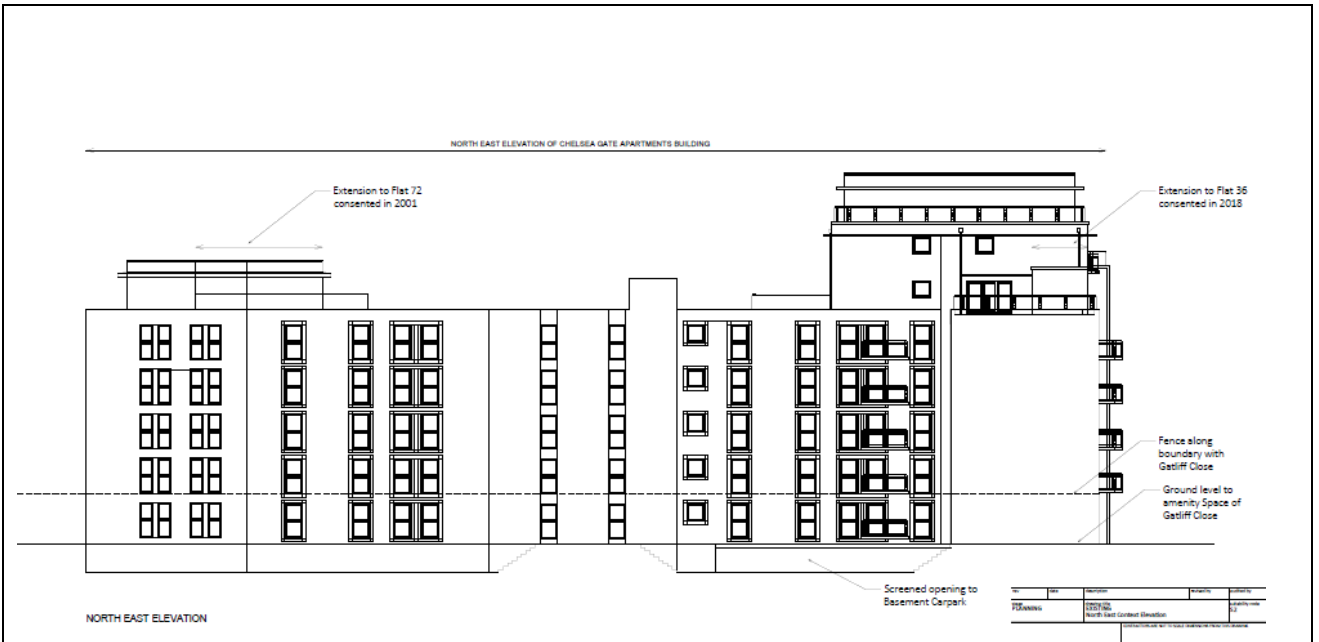
Proposed North-East Elevation



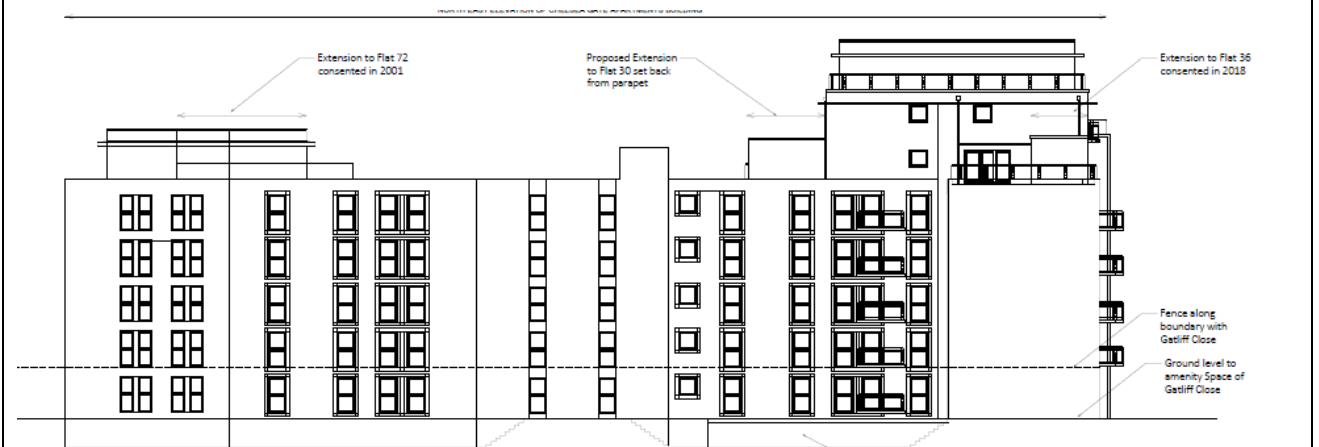
Above: View of Gatliff Close Communal Garden with zone of proposed extension in red



Relationship of application site with Gatliff Close



Existing Side elevation of Chelsea Gate Apartments



Proposed Side elevation of Chelsea Gate Apartments

DRAFT DECISION LETTER

- Address:** Flat 30, Chelsea Gate Apartments, 93 Ebury Bridge Road, London, SW1W 8RB
- Proposal:** Erection of a single storey extension on the fifth-floor terrace area of the existing duplex residential apartment.
- Reference:** 23/04689/FULL
- Plan Nos:** 637-CWA-ZZ-XX-DR-A-30000 Rev. P2, 637-CWA-ZZ-XX-DR-A-30001 Rev. P2, 637-CWA-ZZ-XX-DR-A-30002 Rev. P2, 637-CWA-ZZ-XX-DR-A-30003 Rev. P2, 637-CWA-ZZ-XX-DR-A-30004 Rev. P2, 637-CWA-ZZ-XX-DR-A-30005 Rev. P2, 637-CWA-ZZ-637, 637-CWA-ZZ-XX-DR-A-30006 Rev. P2, 637-CWA-ZZ-XX-DR-A-30007 Rev. P2, 637-CWA-ZZ-XX-DR-A-30008 Rev. P2, 637-CWA-ZZ-XX-DR-A-31001 Rev. P3, 637-CWA-ZZ-XX-DR-A-31002 Rev. P2, 637-CWA-ZZ-XX-DR-A-32001 Rev. P3, 637-CWA-ZZ-XX-DR-A-32002 Rev. P3 (Proposed south-east elevation with context), 637-CWA-ZZ-XX-DR-A-32003 Rev. P3 (Proposed north-east elevation with context), 637-CWA-ZZ-XX-DR-A-32004 Rev. P3, 637-CWA-ZZ-XX-DR-A-32005 Rev. P3, 637-CWA-ZZ-XX-DR-A-33001 Rev. P2, 637-CWA-ZZ-XX-DR-A-33002 Rev. P02 and Daylight and Sunlight Assessment (Issue No. 1) dated December 2023.

For information only: 221281-CON-ZZ-05-DR-S-10105 Rev. P02, 221281-CON-ZZ-06-DR-S-10106 Rev. P02, 221281-CON-ZZ-ZZ-DR-S-4021 Rev. P02, Fire Safety Strategy Fire Statement (1048_FS01.1_30 Chelsea Gate Revision 1), Design and Access Statement dated July 2023 and Sustainability Statement.

Case Officer: Zulekha Hosenally

Direct Tel. No. 07866037615

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:

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 4 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. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 HIGHWAYS LICENSING: Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS: 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 or visit www.ccscheme.org.uk.

BUILDING REGULATIONS: You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

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.