



City of Westminster

# Committee Agenda

Title:

**Planning Applications Committee (5)**

Meeting Date:

**Tuesday 30th August, 2016**

Time:

**6.30 pm**

Venue:

**Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64  
Victoria Street, London, SW1E 6 QP**

Members:

**Councillors:**

Richard Beddoe (Chairman)  
Iain Bott  
Gotz Mohindra  
Tim Roca



**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.**

**Tel: 020 7641 2341; Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTERESTS**

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

Applications for decision.

##### **Schedule of Applications**

- |   |                        |
|---|------------------------|
| <b>1. WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP</b> | <b>(Pages 3 - 22)</b>  |
| <b>2. 1 BEAUMONT STREET, LONDON, W1G 6DF</b>                          | <b>(Pages 23 - 36)</b> |
| <b>3. 28 BLOMFIELD VILLAS, LONDON, W2 6NQ</b>                         | <b>(Pages 37 - 50)</b> |
| <b>4. 36 BLOMFIELD VILLAS, LONDON, W2 6NQ</b>                         | <b>(Pages 51 - 64)</b> |
| <b>5. 42 BLOMFIELD VILLAS, LONDON, W2 6NQ</b>                         | <b>(Pages 65 - 78)</b> |
| <b>6. 58 DENBIGH STREET, LONDON, SW1V 2EU</b>                         | <b>(Pages 79 - 90)</b> |

**Charlie Parker**  
**Chief Executive**  
**19 August 2016**

# Agenda Item

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 30th August 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN NO(s) : 16/06056/COFUL  St James's	Westminster City Hall 64 Victoria Street London SW1E 6QP	External alterations to the north, south and western ground and sub-mezzanine floor elevations and associated public realm works; replacement windows on all upper floor elevations; louvre panel strips on the east and west upper floor elevations; and enclosed plant room, open top plant and louvered screen at roof level.	
<b>Recommendation</b> Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.				
Item No	References	Site Address	Proposal	Applicant
2.	RN NO(s) : 16/02977/FULL  Marylebone High Street	1 Beaumont Street London W1G 6DF	Alterations including a third floor rear extension to existing residential apartment (Class C3) and installation of new and replacement windows on second and third floors.	
<b>Recommendation</b> Refuse permission - loss of privacy, design.				
Item No	References	Site Address	Proposal	Applicant
3.	RN NO(s) : 16/06069/COFUL  Westbourne	28 Blomfield Villas London W2 6NQ	Use of basement as dwellinghouse (Class C3), installation of windows to the front and rear elevations, installation of stair within front lightwell, creation of lightwell to rear and installation of railing around lightwell to rear elevation.	
<b>Recommendation</b> Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.				
Item No	References	Site Address	Proposal	Applicant
4.	RN NO(s) : 16/06070/COFUL  Westbourne	36 Blomfield Villas London W2 6NQ	Use of basement as dwellinghouse (Class C3), installation of windows to the front and rear elevations, installation of stair within front lightwell, creation of lightwell to rear and installation of railing around lightwell to rear elevation.	
<b>Recommendation</b> Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.				
Item No	References	Site Address	Proposal	Applicant
5.	RN NO(s) : 16/06072/COFUL  Westbourne	42 Blomfield Villas London W2 6NQ	Use of basement as dwellinghouse (Class C3), installation of windows to the front and rear elevations, installation of stair within front lightwell, creation of lightwell to rear and installation of railing	

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 30th August 2016  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			around lightwell to rear elevation.	
<b>Recommendation</b> Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Applicant</b>
6.	RN NO(s) : 16/03700/FULL  Warwick	58A Denbigh Street London SW1V 2EU	Installation of a window in the rear elevation.	
<b>Recommendation</b> Grant conditional permission.				

# Agenda Item 1

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 30 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Westminster City Hall, 64 Victoria Street, London, SW1E 6QP,</b>		
<b>Proposal</b>	External alterations to the north, south and western ground and sub-mezzanine floor elevations and associated public realm works; replacement windows on all upper floor elevations; louvre panel strips on the east and west upper floor elevations; and enclosed plant room, open top plant and louvered screen at roof level.		
<b>Agent</b>	Mr Tom Rudd		
<b>On behalf of</b>	Mr Chris Bond		
<b>Registered Number</b>	16/06056/COFUL	<b>Date amended/ completed</b>	24 June 2016
<b>Date Application Received</b>	24 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Not within any conservation area.		

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
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## 2. SUMMARY

The application site comprises City Hall which is a 22 storey building dating from the 1960s and is part occupied by Westminster City Council. The site is located outside a conservation area and comprises office (Class B1) floorspace. Part of the ground and basement floors of the building comprises Class A1 retail floorspace.

Permission is sought to refurbish the exterior of the building and include alterations to the ground floor entrance, replacement windows and stone cleaning, changes to the roof top plant and improvements to the public realm.

The key issue with this application is the impact of the proposals on the appearance of the townscape.

The alterations to the ground floor entrance consist of extending the glazing to replace black granite allowing for better views into the reception area. The City Council's crest will be repositioned centrally above the entrance door. The revolving doors and separate pass door (for access to people with mobility difficulties and push chairs) will be replaced. The scheme also seeks to improve the setting of

City Hall with public realm works to the front. These are welcome in principle.

A key part of the refurbishment of City Hall is the proposed repair and cleaning of the external stonework and the replacement of the windows on a like for like basis. The applicant advises that the new windows will have improved thermal performance and include solar control glass which is welcome. At 19th floor level the internal window cills will be dropped to allow the provision of floor to ceiling window openings. A vertical strip of louvres replacing one bay of glazing will be set to the southern end of the east and west facade.

Modifications at roof level are proposed in order to accommodate an enclosed plant room and necessary lift over runs and a lift motor room. These structures will be well set back from the roof edge. In addition an open top plant area is proposed at roof level which is to be screened by a louvred plant screen running around the perimeter of the roof. When the building maintenance unit is not being used it will be stored behind this louvred screen. The placing of mechanical plant at roof level will free up space in the sub basement of the building to provide improved staff facilities including 18 showers, toilets and lockers.

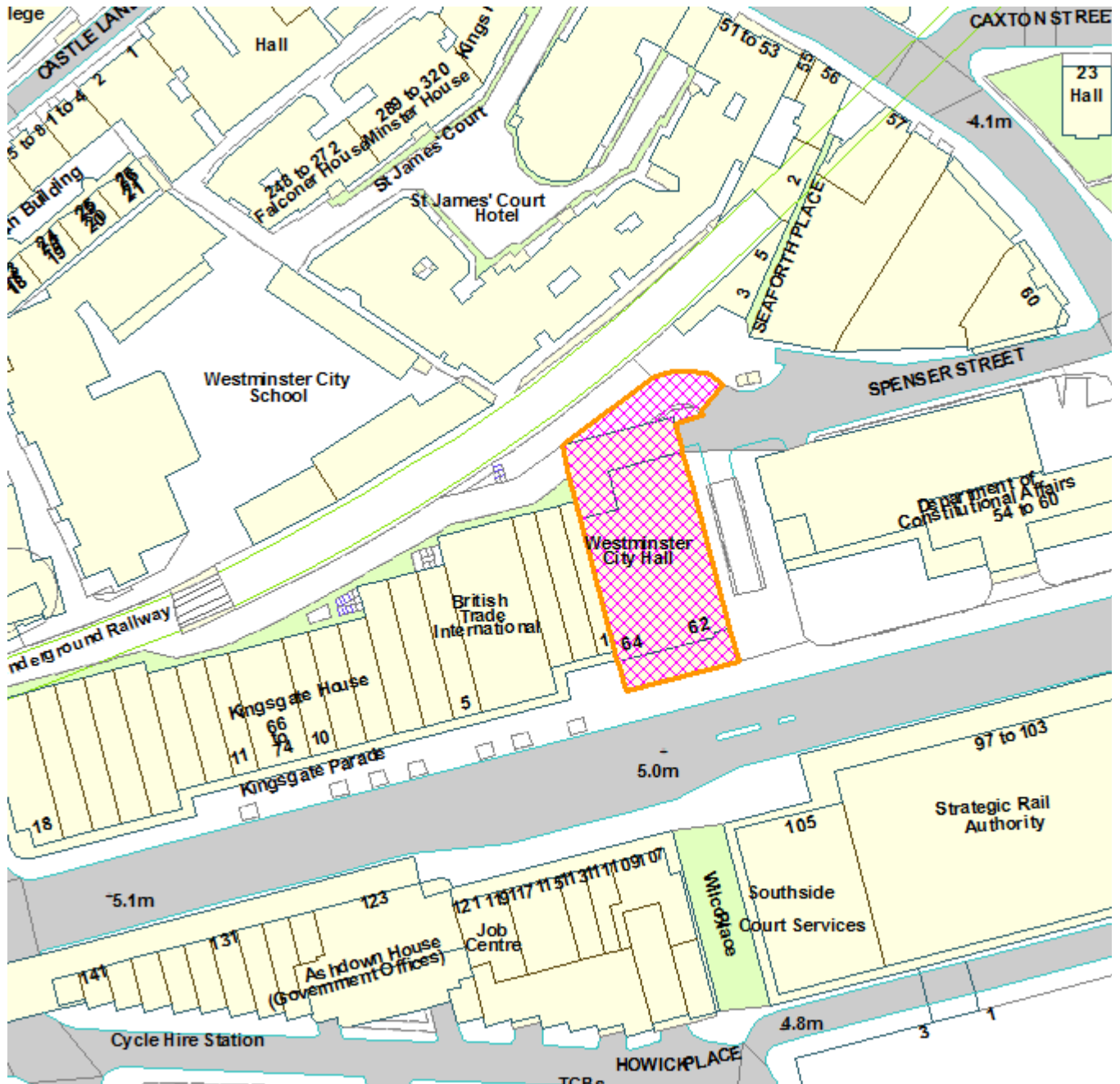
The changes to the ground floor and the elevations of the building are welcome in design terms. They will enhance the appearance of the building when viewed from street level and in more distant views. The alterations at roof level will not be visible from street level, however they will be seen in more distant views. Given that the enclosed plant room and lift motor room will be set back from the roof edge it is considered that this will not have a significant impact on the appearance of the building or setting of neighbouring conservation areas. The alterations at roof level are therefore considered acceptable in design terms.

There are no objections from Environmental Health to the roof top mechanical plant. However as full details of the mechanical plant have not been provided with this application it is recommended that a supplementary noise report is secured by condition. This will ensure that the proposed mechanical plant will meet our standard noise conditions which are designed to protect the amenity of neighbouring occupiers. A condition is also recommended to ensure the louvred screen is put in place and retained.

A residential occupier of the new Kings Gate development adjacent to City Hall has raised a concern about the future maintenance of the proposed vertical strip of louvres. These concerns are noted however there is no planning justification to secure details of the on-going maintenance of the louvres through a condition.

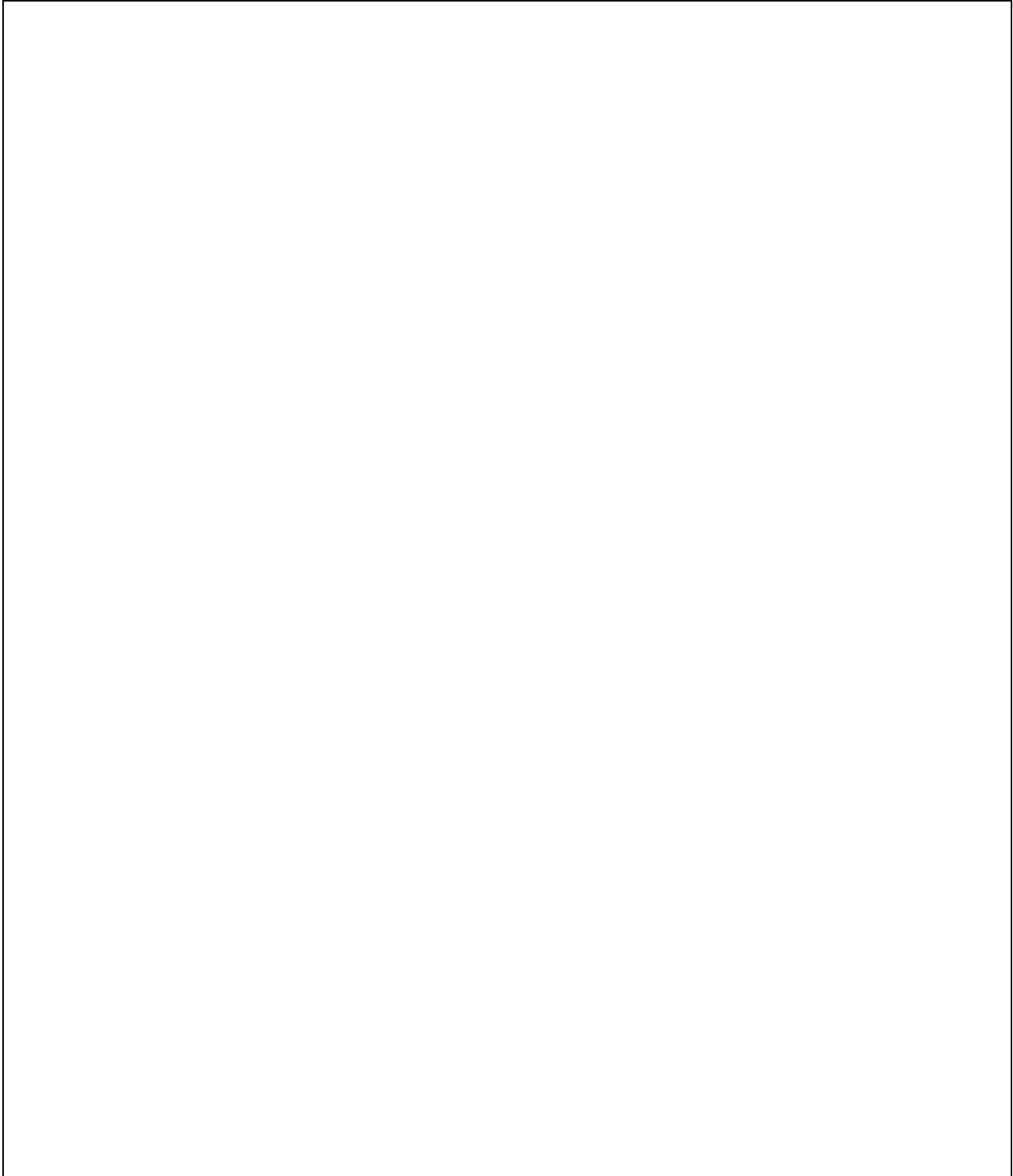
The Westminster CIL calculation for this application is zero.

### 3. LOCATION PLAN



Item No.
1

**4. PHOTOGRAPHS**







## 5. CONSULTATIONS

Westminster Society

This application creates no issues for the Society; approval recommended

Environmental Health

No objection subject to standard conditions on noise relating to mechanical plant.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 122

Total No. of replies: 2

No. of objections: 1

No. in support: 0

One letter of objection from a residential occupier of Kings Gate looking for an assurance that the louvred panels will be durable and that the applicant will maintain them on a regular basis and will not allow rust to form.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

#### 14/04569/COFUL

Installation of three chiller units on part of the ramp leading to the basement car park to the rear of Westminster City Hall for temporary period of six months.

Application Permitted 8 July 2014

#### 14/04152/COFUL

Installation of communication base station on roof and removal of existing mast.

Application Permitted 20 June 2014

#### 13/02450/COFUL

The siting of three chiller units on part of the ramp leading to the basement car park located to the rear of Westminster City Hall for a temporary period from 01 April to 30 November 2013.

Application Permitted 26 April 2013

#### 12/05540/COFUL

Installation of replacement plant at 19th and 20th floor (roof) levels.

Application Permitted 17 August 2012

## 7. BACKGROUND PAPERS

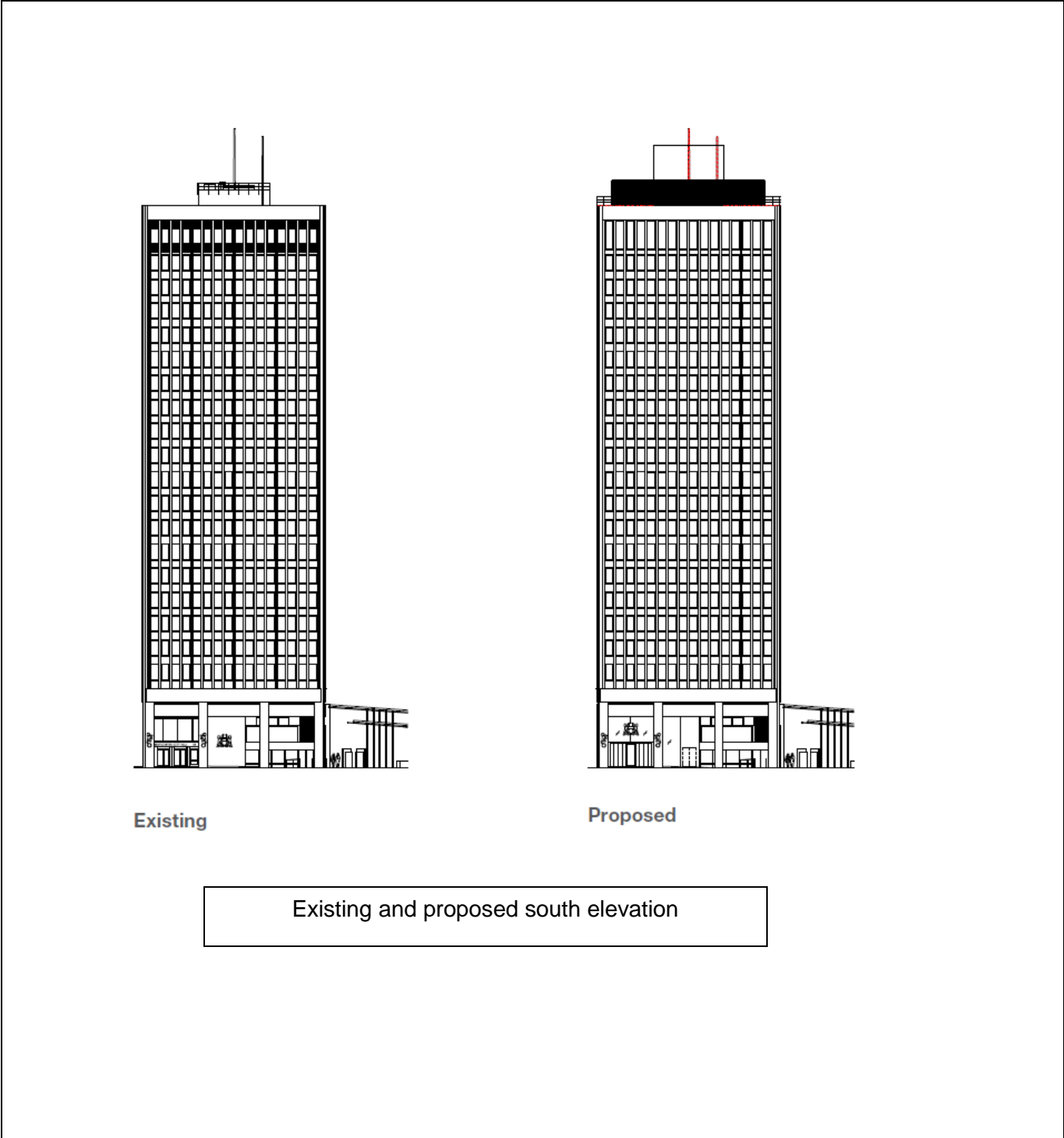
1. Application form
2. Response from Westminster Society, dated 19 July 2016
3. Responses from Environmental Health dated 16 August and 20 July 2016
4. Letter from occupier of 4.05 Kings Gate, 1 Kings Gate Walk, dated 31 July 2016
5. Letter from occupier of 10 Thames Street, London, dated 14 July 2016

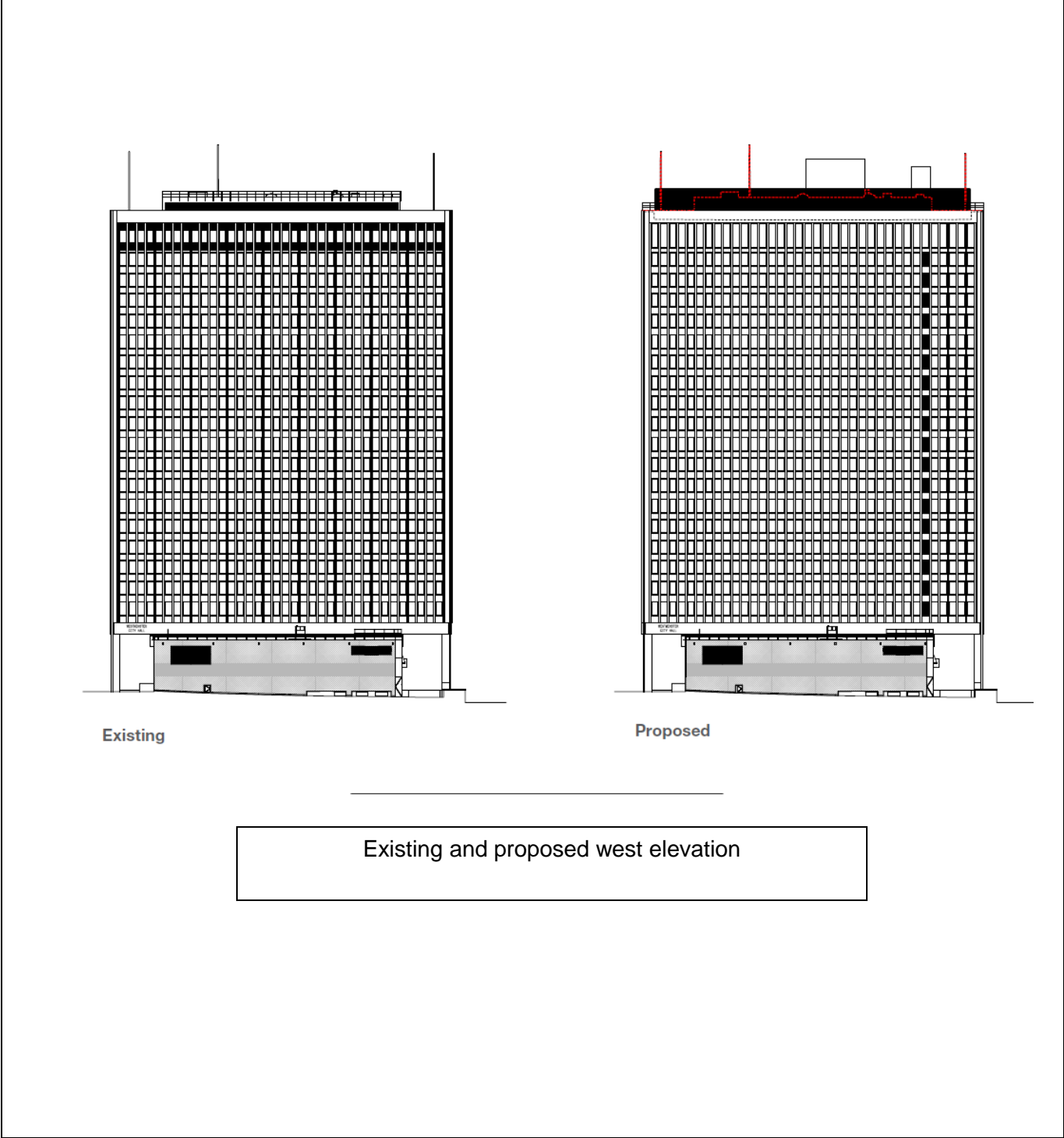
### **Selected relevant drawings**

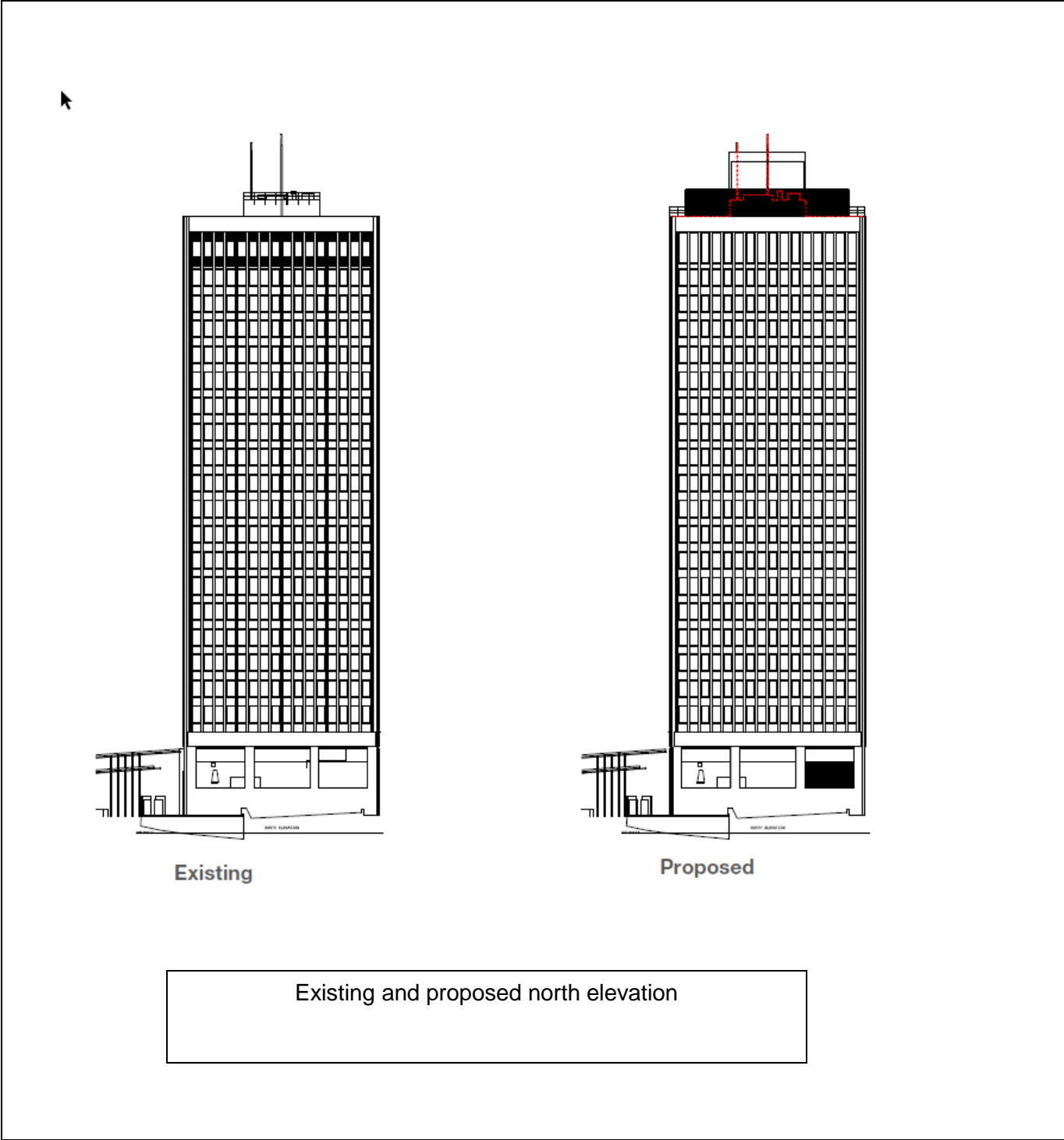
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

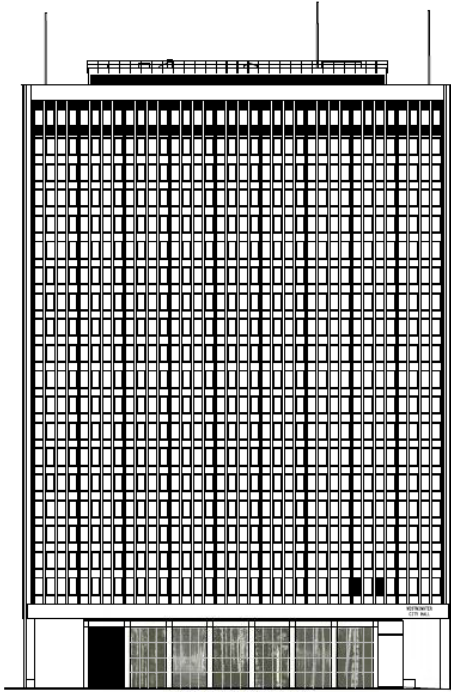
8. KEY DRAWINGS



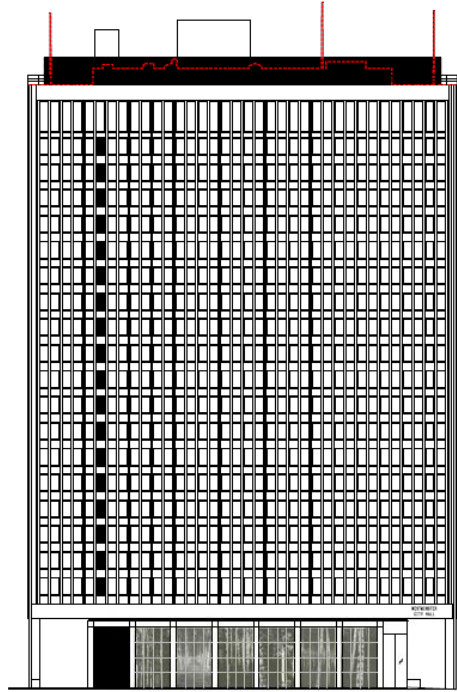




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Existing

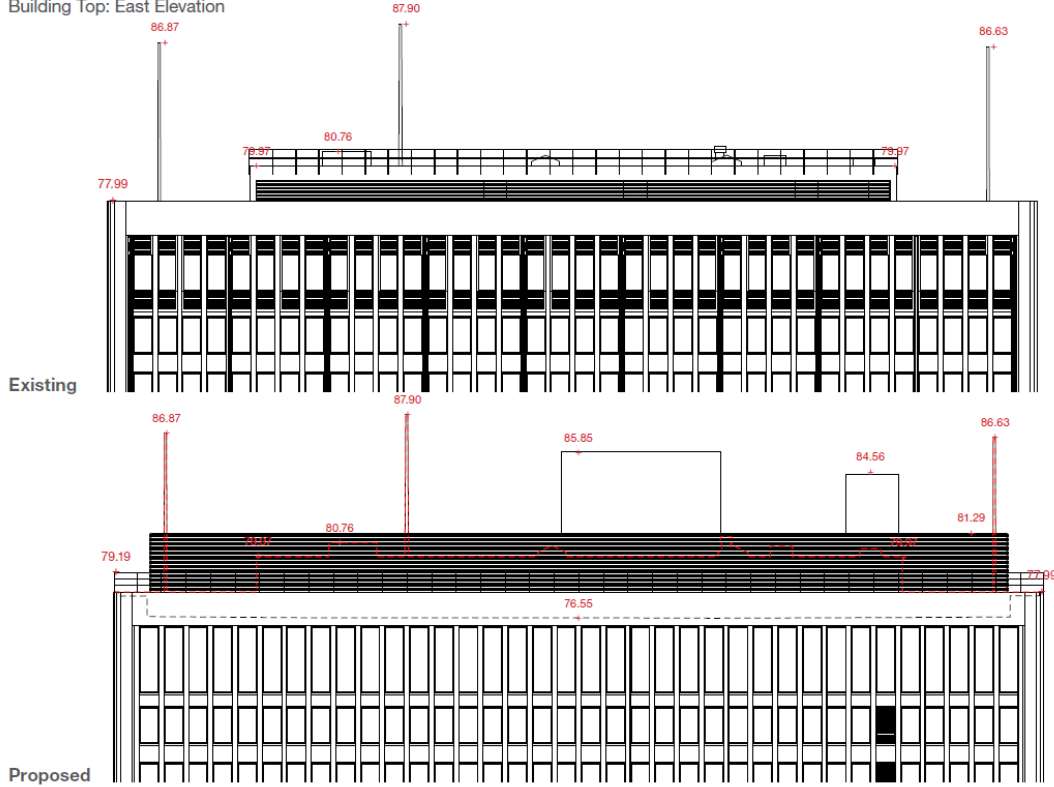


Proposed

Existing and proposed west elevation

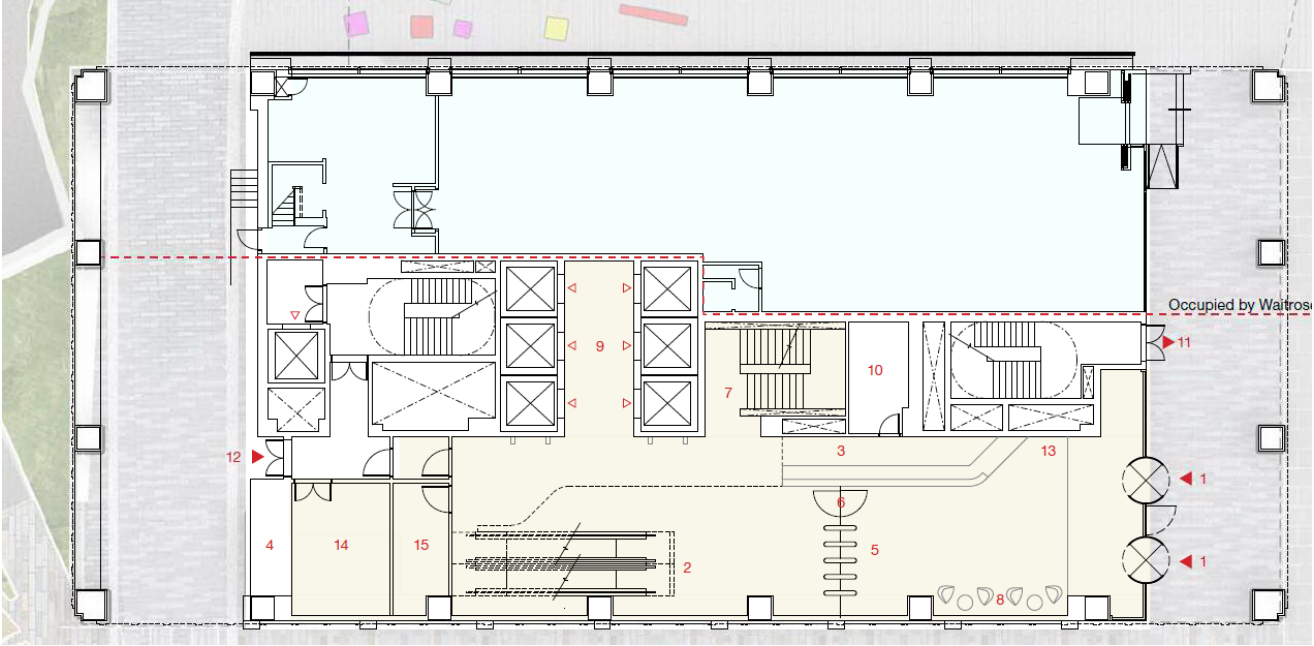
**3.4 Facades**

Building Top: East Elevation

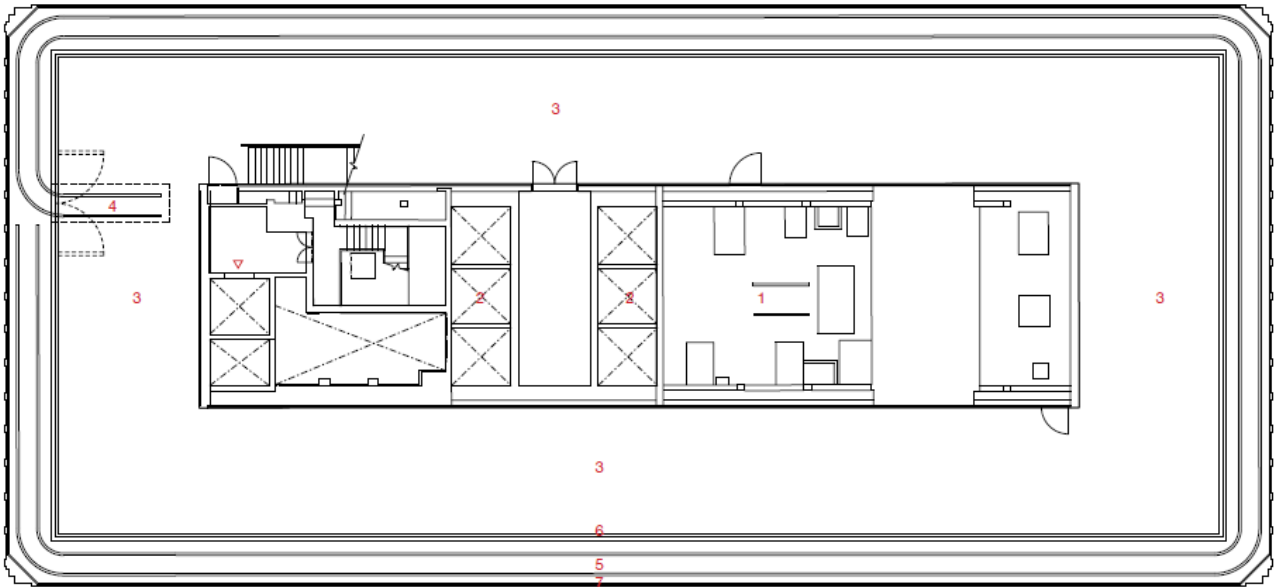


Roof of building showing new louvred screen in proposed view

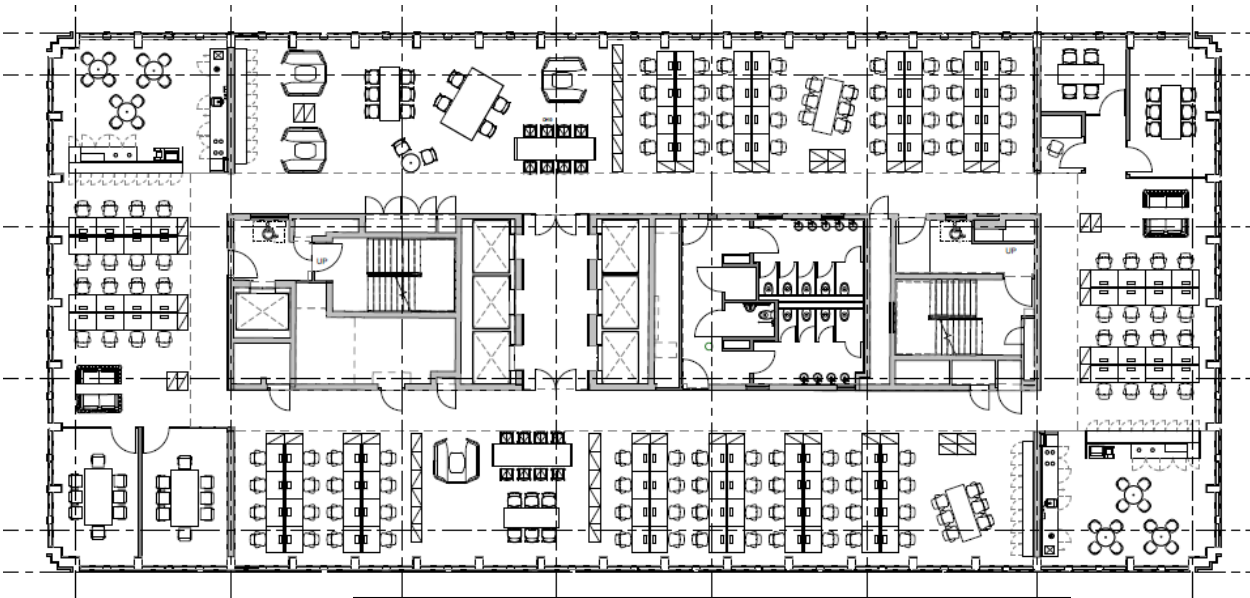




Proposed ground floor plan



Proposed roof plan



Typical floor



View from Buckingham Palace - Existing



View from Buckingham Palace - Proposed

**DRAFT DECISION LETTER**

**Address:** Westminster City Hall, 64 Victoria Street, London, SW1E 6QP

**Proposal:** External alterations to the north, south and western ground and sub-mezzanine floor elevations and associated public realm works; replacement windows on all upper floor elevations; louvre panel strips on the east and west upper floor elevations; and enclosed plant room, open top plant and louvered screen at roof level.

**Plan Nos:** TP\_(90)AP001(1)  
 TP\_(20)AP103 E, TP\_(20)AP104 C, TP\_(20)AP106 B, TP\_(20)AP117 B,  
 TP\_(20)AP118 B, TP\_(20)AP119 B, TP\_(20)AP121 A, TP\_(20)AP122 B,  
 TP\_(20)AS101 B, TP\_(20)AS102 C, TP\_(21)AD101, TP\_(21)AD102, TP\_(21)AD103,  
 TP\_(21)AD104, TP\_(21)AD201, TP\_(21)AP120 B, TP\_(20)AE101 D, TP\_(20)AE102  
 C, TP\_(90)AP100 B. Design and Access statement (June 2016). Noise Impact  
 Assessment Rev B (11 August 2016).

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 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 S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be

representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 4 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

## Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 5 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

## Reason:

As set out in S32 of Westminster's City Plan (July 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 6 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

## Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 7 You must put up the louvred plant screen prior to the use of any mechanical plant in the open top plant area. Thereafter you must retain the plant screen for as long as the mechanical plant remains in place.

## 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 S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 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 S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

**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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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



<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 30 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>1 Beaumont Street, London, W1G 6DF,</b>		
<b>Proposal</b>	Alterations including a third floor rear extension to existing residential apartment (Class C3) and installation of new and replacement windows on second and third floors.		
<b>Agent</b>	Forward Planning and Development		
<b>On behalf of</b>	Mr Michael van Clarke		
<b>Registered Number</b>	16/02977/FULL	<b>Date amended/ completed</b>	4 April 2016
<b>Date Application Received</b>	4 April 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

Refuse planning permission – loss of privacy and design grounds.
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## 2. SUMMARY

The application site is located on the corner of Beaumont Street and Clarkes Mews. The building is used for retail purposes at ground floor level and there is a residential unit over first, second and third floors. The site is located within the Harley Street Conservation Area. Permission is sought for a third floor rear extension to provide additional floorspace to the existing residential unit (Class C3). The application also includes the installation of new and replacement windows at rear second and third floors.

The key issues for consideration are:

- The impact of the extension on the amenity of neighbouring residential properties; and
- The detailed design of the extension and its impact on the surrounding conservation area.

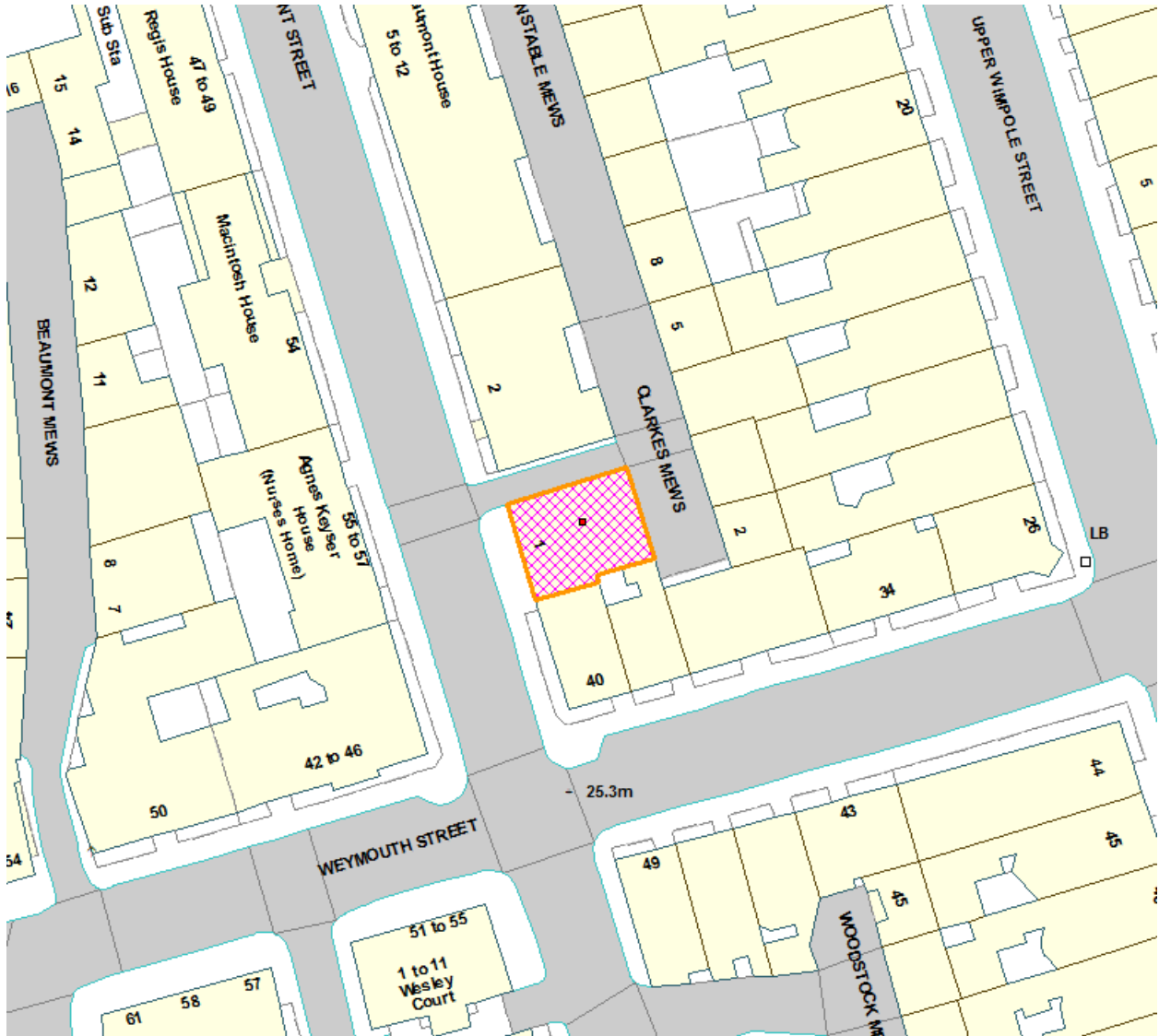
Two objections were received from residents in the neighbouring property at 38 Weymouth Street on the grounds of loss of privacy, loss of light, increased sense of enclosure, impact on the Harley Street conservation area and planning history and precedents. Due to the small increase in height and bulk of the property, it is not considered that the objections on loss of light or increased sense of enclosure can be upheld. While the objectors' properties are located at a 90 degree angle to the proposed new windows, due to the proximity of the proposed new windows it is considered that the proposal will result

in a material loss of privacy and this aspect of the objections is upheld.

The proposed extension is a prominent addition to the rear of the property and will have an impact on the character of this unlisted building of merit, the character and appearance of the conservation area, and on the setting of nearby listed buildings. An objection was also received on the impact the extension would have on the conservation area based on planning precedent set on surrounding buildings. This element of the objection is upheld.

The scheme is considered unacceptable in amenity and design grounds and is consequently recommended for refusal.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

**Top:** View of application property from Beaumont Street  
**Bottom:** View form Clarkes Mews with the application property to the right and objectors' property to the left



## 5. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 17

No. of objections: 2 letters of objection received from the occupiers of No.38 Weymouth Street on some or all of the following grounds:

Amenity

- Loss of privacy
- Loss of light
- Increased sense of enclosure

Design

- Impact on the Harley Street conservation area

Other

- Planning history and precedents.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted building located within the Harley Street Conservation Area. The property is located on the corner of Beaumont Street and Clarkes Mews. The property consists of ground and first to third floors. The ground floor is currently in use as retail (Class A1) while the first to third floors are in use as a residential unit (Class C3).

### 6.2 Recent Relevant History

None applicable

## 7. THE PROPOSAL

Permission is sought for a rear third floor extension to create additional residential floorspace for the existing residential unit. There is an existing roof terrace at third floor level and the proposed extension will cover half of this terrace. There is an existing mansard roof which is set back from the rear wall, it is proposed to create a sheer wall to provide additional head height in the extension. It is also proposed to insert new windows and to replace some existing windows.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The increase in residential floorspace (17m<sup>2</sup>) is considered acceptable in land use terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan.

## 8.2 Townscape and Design

1 Beaumont Street is unlisted and is located in the Harley Street Conservation Area. It is identified in the Harley Street Conservation Area Audit as an unlisted building of merit, meaning it makes a positive contribution to the character of the area. The audit also identifies this as a building with an existing roof extension, is unsuitable for further upward roof extension.

Although substantially altered, the building retains some of its original Georgian character and contributes to the character and appearance of this part of the conservation area. Its rear elevation is visible from street level in Dunstable Mews and from many surrounding properties. A number of these are Grade II listed, including the adjoining 36 Weymouth Street and 14-25 Upper Wimpole Street, which back onto the mews. Alterations at roof level in this location will therefore be prominent and have an impact on the character of this unlisted building of merit, the character and appearance of the conservation area, and on the setting of nearby listed buildings.

UDP policy DES 6 seeks to resist roof alterations and extensions which would adversely affect the architectural character of buildings and which would be visually intrusive in public and private views. These proposals would result in the loss of the mansard which, although not original, is a traditional roof form which complements the character of the existing building. The mansard uses a double pitch, which helps to minimise the height and impact on adjoining occupiers and, while the parapet has been rebuilt, it is of consistent height, with V-form to the main rear wall and repeated to the closet wing, giving a unified appearance to this rear elevation.

As designed, the proposed roof storey would be less sympathetic to the character of the building. The sheer storey to the rear would appear significantly more bulky and prominent in relation to adjoining buildings and would be intrusive in views from the mews and surrounding properties, including in views from a number of listed buildings. Despite the location to the rear this would therefore cause harm to the character of the existing building, character and appearance of the conservation area and setting of neighbouring listed buildings.

An objection has been received relating to precedents set by previous applications in the area. They stated that a recent application at 38 Weymouth Street, which the objectors flat is within, was refused permission for a mansard roof extension because of its impact on the character or appearance of the Harley Street Conservation Area and surrounding listed buildings. As outlined above, the Council agrees with this element of the objection. The application is therefore unacceptable in design terms and contrary to policies DES 1, DES 6, DES 9, and DES 10 of the UDP and S25 and S28 of the City Plan.

## 8.3 Residential Amenity

UDP Policy ENV13 aims to maintain and where possible improve the quality of life for residents, workers and visitors to Westminster. Policy S29 of the City Plan states that the

council will resist proposals that result in an unacceptable material loss of residential and development should aim to improve the residential environment.

### **Sunlight and Daylight**

Two objections have been received from 38 Weymouth Street raising concerns over the loss of light and the impact of shadow overcasting to their windows. No daylight and sunlight assessment has been submitted. However, due to the relatively small increase in bulk and mass as a result of the extension and its positioning away from the residential windows it is not considered that there would be a material loss of light. The objectors windows face north, and the extension is to the north of these windows so it is not considered there would be a material loss of sunlight. The objections on these grounds cannot be upheld.

### **Sense of Enclosure**

One objection has raised concern about increased sense of enclosure. The application site and the neighbouring buildings are very close and therefore create an already enclosed area to the rear. It is not considered that the rear extension will have a material impact on the existing situation and therefore the objection cannot be upheld.

### **Privacy**

Objections have been received raising concern regarding the loss of privacy. There is an existing window at third floor level (within the mansard) which is set back from the rear elevation. As a sheer elevation is being created at this level, the third floor window will be moved forward to be in line with the rear elevation. A new window will also be inserted at second floor level. The windows within 38 Weymouth Street are angled at 90 degrees from the proposed location of the windows. These windows serve bedrooms. It is considered that the new windows will cause a loss of privacy to the existing residential windows and therefore the application is contrary to policies ENV13 and S29 and is recommended for refusal on these grounds.

## **8.4 Transportation/Parking**

The proposal does not raise any highways issues.

## **8.5 Economic Considerations**

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

## **8.6 Access**

The access to the existing residential flat will remain the same as existing.

## **8.7 Other UDP/Westminster Policy Considerations**

Not applicable.

## **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.

#### **8.11 Environmental Impact Assessment**

Not applicable

#### **8.12 Other Issues**

Not applicable

### **9. BACKGROUND PAPERS**

1. Application form
2. Response from Marylebone Association, dated 5 May 2016
3. Letter from occupier of RMF Studio, 120 Fortune Green Road, dated 29 April 2016
4. Letter from occupier of First Floor, 38 Weymouth Street, dated 26 April 2016

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

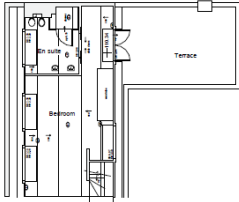
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRATT, BY EMAIL AT [nbarratt@westminster.gov.uk](mailto:nbarratt@westminster.gov.uk)



10.KEY DRAWINGS

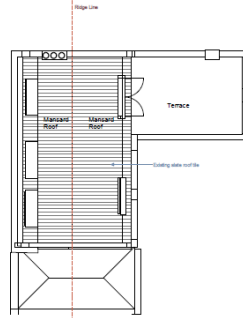
Existing and Proposed Third Floor and Roof Plans

Beaumont Street



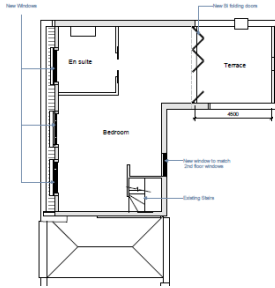
Existing Third Floor

Beaumont Street



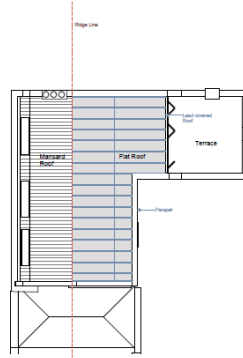
Existing Roof Plan

Beaumont Street



Proposed Third Floor

Beaumont Street



Proposed Roof Plan

Existing building work
Proposed building work
Notes
1. Proposed building work shall be undertaken in accordance with the Council's Development Control Guidelines.

A1 11.03.18 Issued for Planning 02  
 Rev. Date Author/Approved by Sign

**sonnemanntoon**  
**architects**

Quality review: 19/03/2018  
 AS Quality Check: 19/03/2018  
 Checked by: [Name]  
 Approved by: [Name]  
 Date: 19/03/2018

Do not scale this drawing. Architects to be informed of all dimensions in dimensions. Contractor to check all dimensions on site.

Drawn: JCA Status: Final  
 JCA PRELIM 1:1000/1:2000/1:500/1:200/1:100  
 Project title: Beaumont Street - 3rd Floor/Roof  
 Drawing title: EXISTING & PROPOSED PLANS THIRD FLOOR & ROOF  
 Drawing number: 1432 (22) 005 Revision: A1



Existing and Proposed Elevations



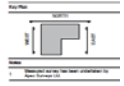
Existing Beaumont Street Elevation



Existing Side Elevation



Existing Rear Elevation



Proposed Beaumont Street Elevation



Proposed Side Elevation



Proposed Rear Elevation

02 17/01/18 Issues for Planning 02A 01  
 03 17/01/18 Issues for Planning 02A 02  
 04 17/01/18 Issues for Planning 02A 03

**sonnemantoon**  
**architects**

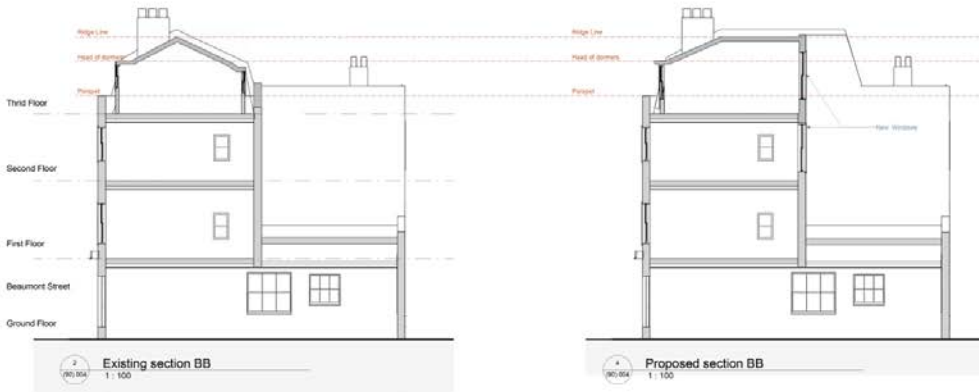
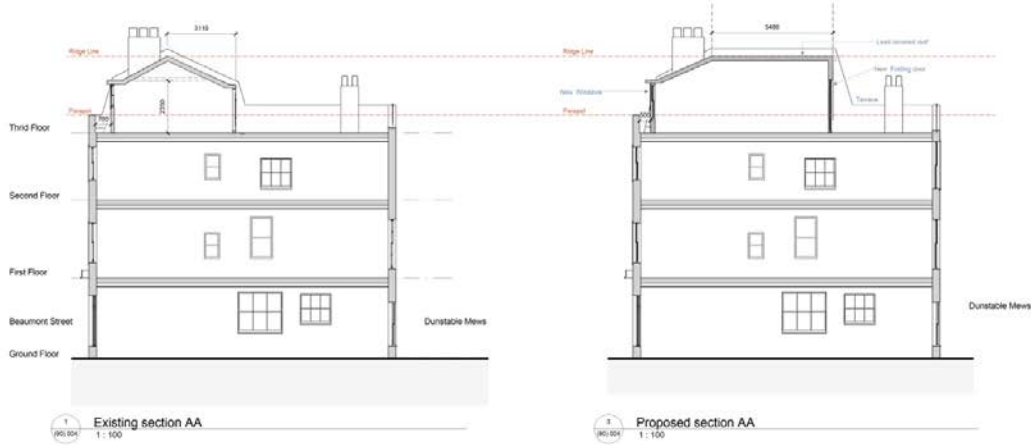
100%  
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 100%

Do not scale this drawing. Accuracy for reference of all dimensions and positions. Coordinate to match all drawings of this set.

Drawn: [Name] Date: [Date]  
 C.A.K. P.S.E.L.M. 1/20/18  
 1 Beaumont Street - 2nd Floor/Flat  
 02/01/18  
 PROPOSED & EXISTING  
 ELEVATIONS  
 1432 (32) 001 A2



## Existing and Proposed Sections



**Key Plan**

**Notes**

Measured accuracy has been undertaken by  
Agate Surveying Ltd.

AZ	07.04.16	Issued for Planning/JDA	GT
AI	11.03.16	Issued for Planning/JDA	CC
Rev.	Date	Details Amended by	Signoff

**sonnemanntoon**  
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tel: +44 (0)20 7540 8881  
email: info@sonnemanntoon.co.uk  
web: www.starch.co.uk

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Do not scale this drawing. Applicant to be informed of all discrepancies in dimensions. Contractor to check all dimensions on site.

Drawn	Status	Scale
JDA	PRELIM.	1:100@A3
Project No:		1209@A4
1 Beaumont Street - 3rd Floor/Roof		
Drawing title		
EXISTING & PROPOSED SECTION		
Drawing number		Revision
1432 (90) 004		A2

**Existing and Proposed Bird's Eye Views and Perspectives (these do not accurately show the neighbouring buildings)**



1 Existing Bird's Eye View  
(90) 002

2 Proposed Bird's Eye View  
(90) 002

A1 11.03.16 Issued for Planning/JDA CC  
Rev. Date Details Amended by Signed



3 Existing Perspective View  
Viewpoint as 1432(02)002 Front elevation  
(90) 002



4 Proposed Perspective View  
(90) 002

**sonnemantoon architects**

Quality House  
6/9 Quality Court  
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United Kingdom

tel: +44 (0)20 7580 8881  
email: info@st-arch.co.uk  
web: www.st-arch.co.uk

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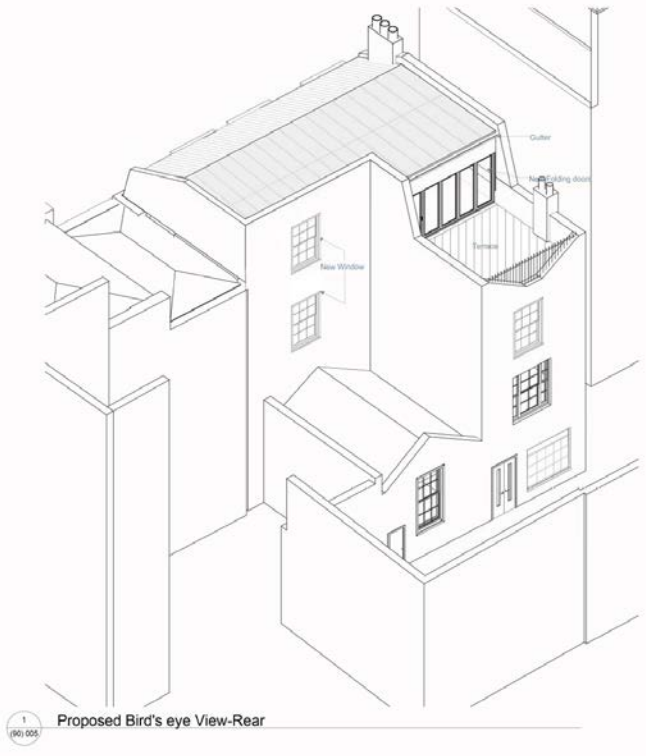
Do not scale this drawing. Archited to be informed of all discrepancies in dimensions. Contractor to check all dimensions on site.

Drawn	Status	Scale
JDA	PRELIM.	n/a @A3

Project title  
1 Beaumont Street - 3rd Floor/Roof

Drawing title  
3D VIEWS  
Bird's Eye Views & Perspectives

Drawing number	Revision
1432 (90) 002	A1



1 Proposed Bird's eye View-Rear  
(90) 005

**DRAFT DECISION LETTER**

**Address:** 1 Beaumont Street, London, W1G 6DF,

**Proposal:** Alterations including a third floor rear extension to existing roof terrace to provide additional accommodation to existing residential apartment (Class C3) and installation of new and replacement windows on second and third floors.

**Reference:** 16/02977/FULL

**Plan Nos:** 1432 (22) 005 Rev. A1 ; 1432 (32) 001 Rev. A2 ; 1432 (90) 004 Rev. A2

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

**Recommended Condition(s) and Reason(s):****Reason:**

The new windows to the rear 2nd and 3rd floors would lead to an unacceptable loss of privacy for people in neighbouring properties. This would not meet S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X13AB)

**Reason:**

Because of height, bulk and detailed design the roof extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Harley Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 6, DES 9, DES 10, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)

**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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Item No.

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.

# Agenda Item 3

Item No.

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 30 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Ward(s) involved</b> Westbourne		
<b>Subject of Report</b>	28 Blomfield Villas, London, W2 6NQ,		
<b>Proposal</b>	Use of basement as dwellinghouse (Class C3), installation of windows to the front and rear elevations, installation of stair within front lightwell, creation of lightwell to rear and installation of railing around lightwell to rear elevation.		
<b>Agent</b>	Lambert Smith Hampton		
<b>On behalf of</b>	City West Homes		
<b>Registered Number</b>	16/06069/COFUL	<b>Date amended/ completed</b>	28 June 2016
<b>Date Application Received</b>	28 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
--

## 2. SUMMARY

The application site is an unlisted mid-terrace building located within the Maida Vale Conservation Area. Permission is sought to create a one bed flat within the existing unused lower ground floor level space. Installation of windows on the front and rear elevations, replacement of the staircase in the front lightwell and the creation of a lightwell against the rear elevation are also proposed.

Objections have been received in relation to the development proposals on the grounds of its impact on the structural integrity of the building, detailed design, and parking issues.

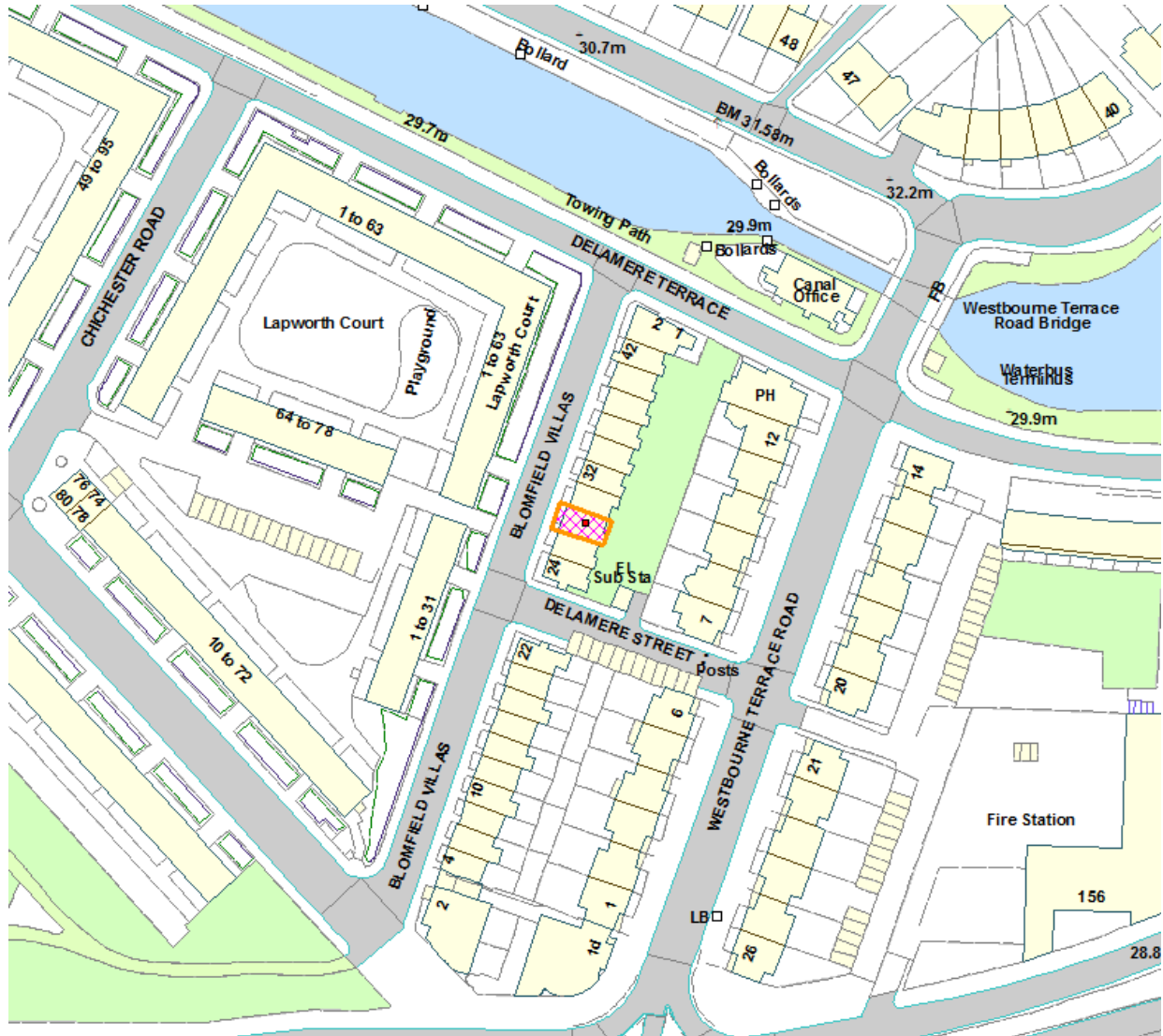
The key issues in this case are:

- \*The impact of the development on the amenity of neighbouring properties
- \*The impact of the development on the character and appearance of the building and the Maida Vale Conservation Area
- \* The impact of the development on parking pressure in the area.

The proposals are considered to be acceptable in land use, amenity, design and highways terms and comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan:

## Strategic Policies (the City Plan).

## 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation



Front Lightwell



Rear Elevation



## 5. CONSULTATIONS

### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

No objection in principle to the use of the basement as flat. However the detailed design of the window is unsympathetic with the host building and the replacement staircase should be solid.

### CLEANSING

No objection raised.

### HIGHWAYS PLANNING

Acceptable on transportation grounds.

### ENVIRONMENTAL HEALTH

Objection raised on the grounds that the plans show a poor means of escape arrangement.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 9

No. of objections: 2

Total No. of replies: 2

Object on the following grounds:

- Concern over available parking spaces
- Construction issues such as noise and contractor access
- Structural condition of the building needs attention prior to the works taking place.
- Potential structural effect on the existing building
- Application does not state whether the site will provide accommodation for private occupants or Council tenants.
- More people will have access to private garden.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site is a basement plus three storey unlisted mid-terrace building located within the Maida Vale Conservation Area. The building is currently in use as flats on ground, first and second storey levels. The lower ground floor level is not habitable space, although it appears to have historically been used as such. The space currently does not have any internal walls or flooring and a full internal fit out would be required to make it habitable.

### 6.2 Recent Relevant History

None

## 7. THE PROPOSAL

Planning permission is sought to create a one bed flat (Use Class C3) at lower ground floor level. To achieve this, external alterations to the buildings envelope, including the creation of a lightwell to the rear of the building, the replacement of the staircase within the front lightwell and the installation of windows on the front and rear elevations are proposed.

During the course of the application an additional section drawing was submitted showing the rear elevation from within the rear lightwell. Additionally amended plans were submitted showing a change to the flooring material in the rear lightwell and the relocation of the meters on the front elevation.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The provision of additional residential units is supported in principle by policy S14 of the City Plan (adopted July 2016) (“the City Plan”) and policy H3 of the Unitary Development Plan (adopted 2007) (“the UDP”).

The proposed unit would have a floor area of approximately 46 square metres (sqm). This would exceed the minimum floor area for a 1b1p flat (i.e. 39 sqm) but fall below the minimum floor area for a 1b/2p flat (i.e. 50 sqm) set out in the Nationally Described Space Standard and policy 3.5 of the London Plan (FALP 2015). Given the marginal nature of this shortfall, the proposed flat would still provide an acceptable standard of accommodation and refusal on this basis would not be sustainable.

### 8.2 Townscape and Design

The local amenity society have commented that the proposed window is unsympathetic with the host building, causing harm to the character and appearance of the Conservation Area. Additionally they state the replacement stairs should be solid rather than metal.

On the front elevation it is proposed to remove the existing solid staircase which sits against the front elevation, introduce a replacement metal staircase against the front vault elevation and to insert a window on the front elevation. The new timber sash window sits directly below the window at ground floor level. The comments from the local amenity society are noted. However, given that the window is to be located on the most subservient level on the front elevation, the scale of the window and the minimal architectural detailing surrounding it is considered to be appropriate for this location, preserving the character and appearance of the building within its setting of the Maids Vale Conservation Area. As proposed the window is of an appropriate scale, reflects the architectural style and materiality of the host building and therefore is considered to be in accordance with UDP Policy DES 5.

Whilst the loss of a solid staircase is regrettable, in order to achieve light into the lower ground floor level the staircase had to be relocated away from the front elevation. Whilst its replacement with a solid stair would be welcomed, it would be difficult to achieve this within a lightwell of this scale where access to the vaults is required. The staircase is lightweight, subservient in scale and design and maintains the interpretation of the proportionality of the building as a mid-terrace house and consequently the uniformity of the streetscene. Nevertheless a condition is recommended requiring the new staircase to be painted black and maintained as such in order to ensure it is keeping with the metal work to the front boundary and on the elevation. Furthermore the principle of this alteration has previously been accepted on this street (RN: 11/08882/COFUL) and therefore a refusal would be difficult to sustain in design terms.

To the rear the alterations involve the excavation of a lightwell, the depth of which does not project beyond the rear elevation of the shallow closet wings. Railings will be introduced around the lightwell and a window is to be inserted on the rear elevation. During the course of the application the treatment within the lightwell has been amended to stone following concerns raised with the suitability and durability of timber decking; this alteration is acceptable. The detailed design and scale of these alterations are in keeping with the existing arrangement to some of the rear elevations of the buildings within this terrace and therefore they are not contentious in design terms.

The alterations would preserve the character and appearance of the Maida Vale Conservation Area and are consistent with policies S25 and S28 of the City Plan and policies DES1, DES5 and DES 9 of the UDP.

### **8.3 Residential Amenity**

The proposed flat would be located within the building envelope of the existing building and would therefore not result in material loss of light or sense of enclosure for the occupants of neighbouring properties.

Whilst new windows to the front and rear elevations are proposed, these would have outlook over the existing lightwell and communal garden only. Accordingly, these windows would not result in loss of privacy for the occupants of neighbouring properties.

Given the above, the proposed development would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP.

### **8.4 Transportation/Parking**

An objection has been raised to the potential impact of the new unit on on-street parking. No off-street parking is proposed as part of this development.

The Highways Planning Manager notes that the latest on-street parking survey indicates the sufficient on-street parking exists for the likely parking demand associated with this development. Accordingly, the proposed development is consistent with policy TRANS23 of the UDP.

Sufficient cycle parking has been provided on-site, in accordance with policy 6.9 of the London Plan (FALP 2015). A condition is recommended to secure this cycle parking.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Not applicable for a development of this scale.

### **8.7 London Plan**

This application raises no strategic issues.

### **8.8 National Policy/Guidance Considerations**

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

### **8.9 Planning Obligations**

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

The estimated CIL payment would be £9420.

### **8.10 Environmental Impact Assessment**

Not applicable for development of this scale.

### **8.11 Other Issues**

An objector notes concerns with noise, dust and damage from the works. However, it is longstanding principle that planning permission cannot be refused due to the impact of construction given its temporary nature and the ability to control it via condition. A condition has been recommended to limit construction hours.

An objector is also concerned that the proposal will cause subsidence. However, structural issues are a matter for building regulations and this is not a material planning consideration in this instance.

An objector has queried what tenure the proposed flat will be. The applicant has confirmed that this flat will be for private sale.

While the objection from Environmental Health is noted, means of escape is a building regulations matter and permission cannot be refused on this basis.

## **9. BACKGROUND PAPERS**

1. Application form

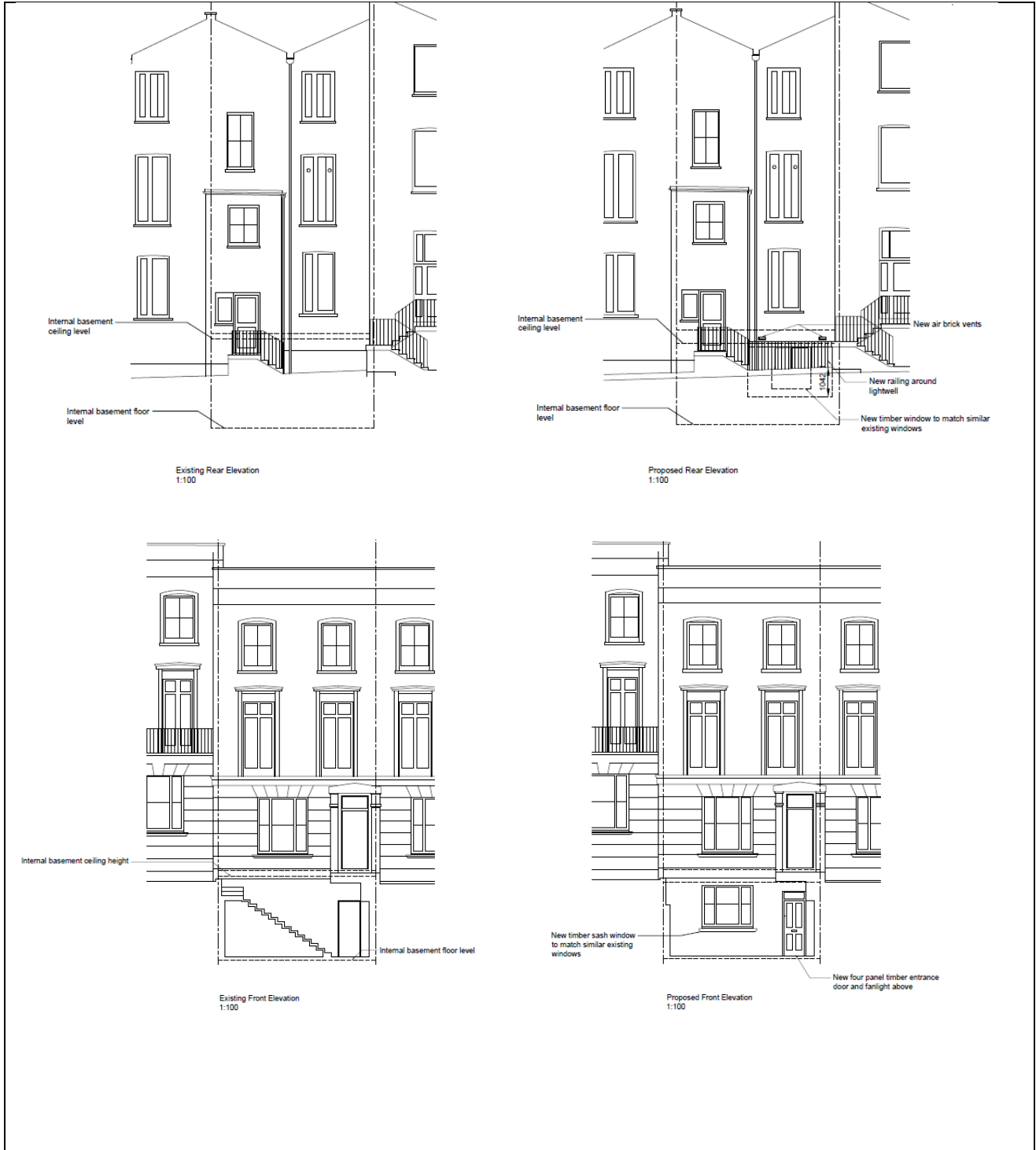
2. Response from Project Officer (Waste), dated 20 Jul 2016
3. Response from Environmental Health Officer, dated 21 July 2016
4. Response from Highways Planning Manager, dated 18 July 2016
5. Letter from occupier of 26a Blomfield Villas, London, dated 27 July 2016
6. Letter from occupier of 28c Blomfield Villas, London, dated 28 July 2016

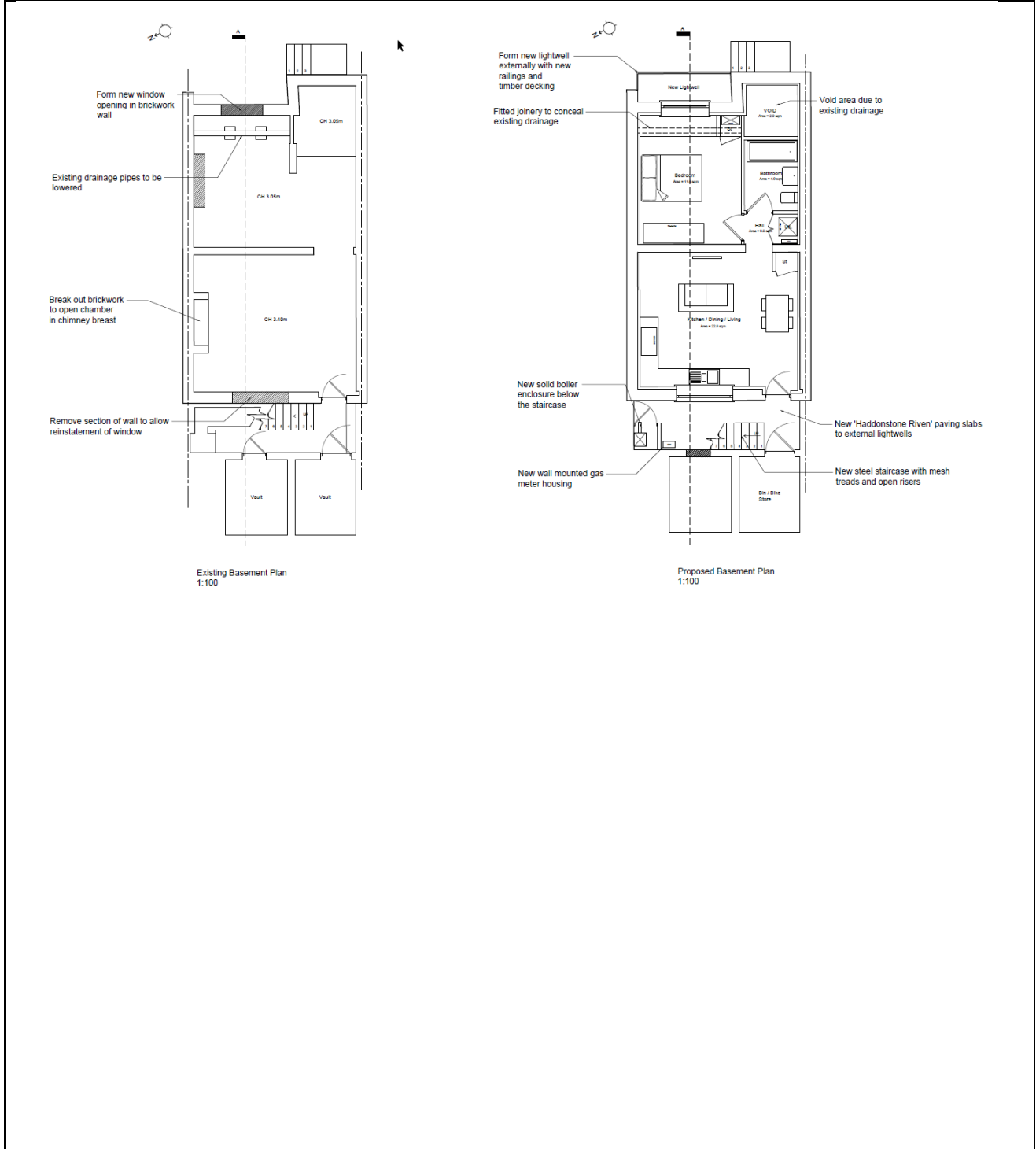
### **Selected relevant drawings**

(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: NATHAN BARRETT BY EMAIL AT [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk).

10. KEY DRAWINGS







**DRAFT DECISION LETTER**

**Address:** 28 Blomfield Villas, London, W2 6NQ,

**Proposal:** Use of basement as dwellinghouse (Class C3), installation of windows to the front and rear elevations, installation of stair within front lightwell, creation of lightwell to rear and installation of railing around lightwell to rear elevation.

**Reference:** 16/06069/COFUL

**Plan Nos:** Design and Access Statement, 28-BP-001, 28-RE-001, 28-FE-001, 28-P-001, 28-S-001, 28-SE-001.

**Case Officer:** Heather Sevicke-Jones

**Direct Tel. No.** 020 7641 6519

**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 S29 and S32 of Westminster's City Plan (July 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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 Notwithstanding details shown on the approved drawings the new metal staircase and the new railings shall be painted black and maintained as such hereafter.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 Notwithstanding details shown on the approved drawings the new windows hereby permitted shall be white painted timber and maintained as such.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 provide the waste store shown on drawing 28-P-001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

**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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

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# Agenda Item 4

Item No.

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 30 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Westbourne	
<b>Subject of Report</b>	36 Blomfield Villas, London, W2 6NQ		
<b>Proposal</b>	Use of basement as dwellinghouse (Class C3), installation of windows to the front and rear elevations, installation of stair within front lightwell, creation of lightwell to rear and installation of railing around lightwell to rear elevation.		
<b>Agent</b>	Lambert Smith Hampton		
<b>On behalf of</b>	City West Homes		
<b>Registered Number</b>	16/06070/COFUL	<b>Date amended/ completed</b>	28 June 2016
<b>Date Application Received</b>	28 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
--

## 2. SUMMARY

The application site is an unlisted mid-terrace building located within the Maida Vale Conservation Area. Permission is sought to create a one bed flat within the existing unused lower ground floor level space. Installation of windows on the front and rear elevations, replacement of the staircase in the front lightwell and the creation of a lightwell against the rear elevation are also proposed.

Objections have been received in relation to the development proposals on the grounds of its impact on the structural integrity of the building and the detailed design.

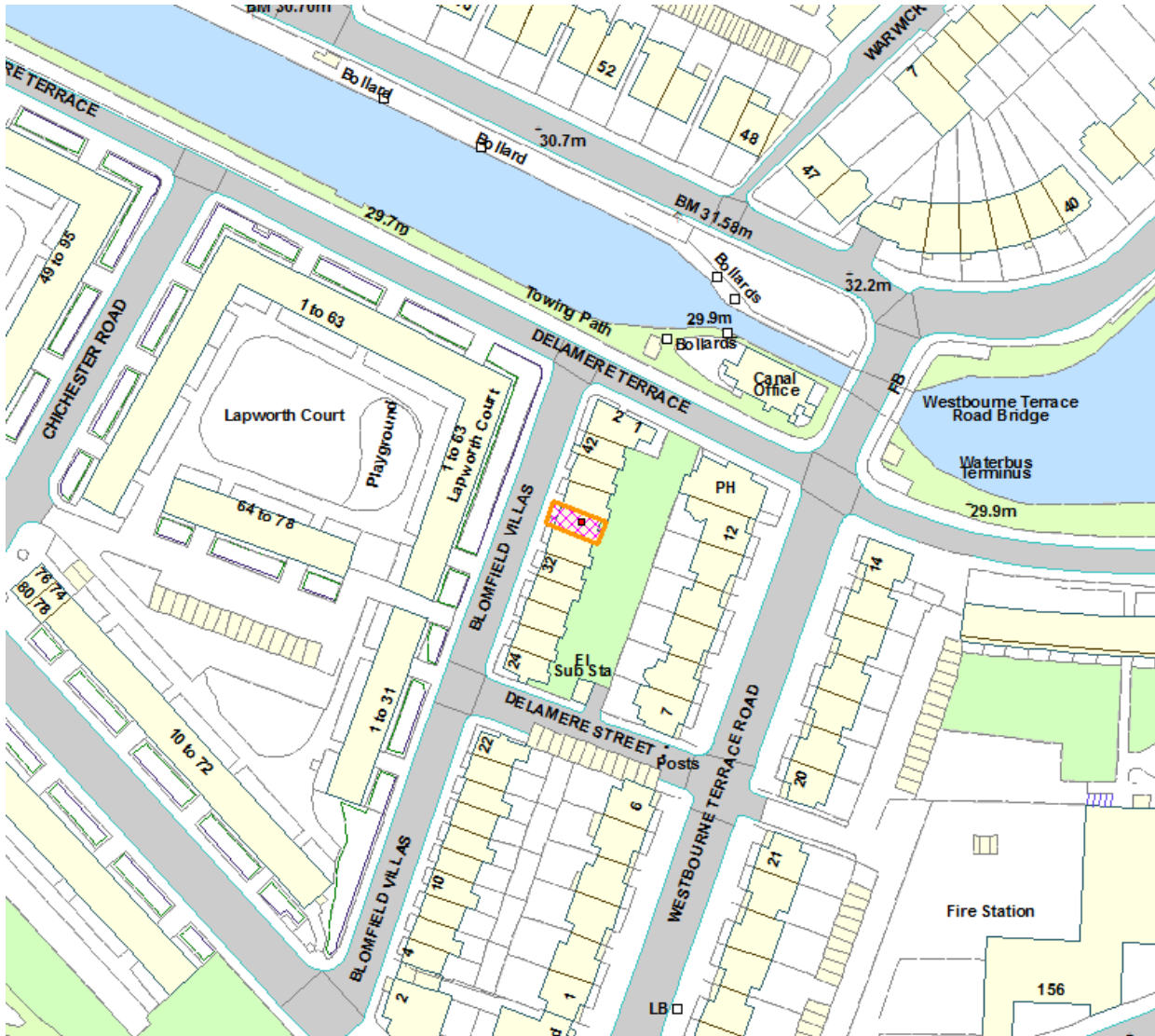
The key issues in this case are:

- \*The impact of the development on the amenity of neighbouring properties
- \*The impact of the development on the character and appearance of the building and the Maida Vale Conservation Area
- \* The impact of the development on parking pressure in the area.

The proposals are considered to be acceptable in land use, amenity, design and highways terms and comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan:

Strategic Policies (the City Plan).

### 3. LOCATION PLAN



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**4. PHOTOGRAPHS**

**Front Elevation**



**Rear Elevation**



## 5. CONSULTATIONS

### PADDINDTON WATERWAYS AND MAIDA VALE SOCIETY

No objection in principle to the use of the basement as C3 use, however the detailed design of the window is unsympathetic with the host building and the replacement staircase should be solid.

### CLEANSING

Any response to be reported verbally.

### HIGHWAYS PLANNING

Acceptable on transportation grounds.

### ENVIRONMENTAL HEALTH

Objection raised on the grounds that the plans show a poor means of escape arrangement.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11

No. of objections: 1

Total No. of replies: 1

Object on the following grounds:

- Concern over available parking spaces
- Construction issues such as noise and contractor access
- Structural condition of the building needs attention prior to the works taking place.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site is a basement plus three storey unlisted mid-terrace building located within the Maida Vale Conservation Area. The building is currently in use as flats on ground, first and second storey levels. The lower ground floor level is not habitable space, although it appears to have historically been used as such. The space currently does not have any internal walls or flooring and a full internal fit out would be required to make it habitable.

### 6.2 Recent Relevant History

None.

## 7. THE PROPOSAL



Planning permission is sought to create a one bed flat (Use Class C3) at lower ground floor level. To achieve this, external alterations to the buildings envelope, including the creation of a lightwell to the rear of the building, the replacement of the staircase within the front lightwell and the installation of windows on the front and rear elevations are proposed.

During the course of the application an additional section drawing was submitted showing the rear elevation from within the rear lightwell. Additionally amended plans were submitted showing a change to the flooring material in the rear lightwell and the relocation of the meters on the front elevation.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The provision of additional residential units is supported in principle by policy S14 of the City Plan (adopted July 2016) (“the City Plan”) and policy H3 of the Unitary Development Plan (adopted 2007) (“the UDP”).

The proposed unit would have a floor area of approximately 46 square metres (sqm). This would exceed the minimum floor area for a 1b1p flat (i.e. 39 sqm) but fall below the minimum floor area for a 1b/2p flat (i.e. 50 sqm) set out in the Nationally Described Space Standard and policy 3.5 of the London Plan (FALP 2015). Given the marginal nature of this shortfall, the proposed flat would still provide an acceptable standard of accommodation and refusal on this basis would not be sustainable.

### **8.2 Townscape and Design**

The local amenity society have commented that the proposed window is unsympathetic with the host building, causing harm to the character and appearance of the Conservation Area. Additionally they state the replacement stairs should be solid rather than metal.

On the front elevation it is proposed to remove the existing solid staircase which sits against the front elevation, introduce a replacement metal staircase against the front vault elevation and to insert a window on the front elevation. The new timber sash window sits directly below the window at ground floor level. The comments from the local amenity society are noted. However, given that the window is to be located on the most subservient level on the front elevation, the scale of the window and the minimal architectural detailing surrounding it is considered to be appropriate for this location, preserving the character and appearance of the building within its setting of the Maida Vale Conservation Area. As proposed the window is of an appropriate scale, reflects the architectural style and materiality of the host building and therefore is considered to be in accordance with UDP Policy DES 5.

Whilst the loss of a solid staircase is regrettable, in order to achieve light into the lower ground floor level the staircase had to be relocated away from the front elevation. Whilst its replacement with a solid stair would be welcomed, it would be difficult to achieve this within a lightwell of this scale where access to the vaults is required. The staircase is lightweight, subservient in scale and design and maintains the interpretation of the

proportionality of the building as a mid-terrace house and consequently the uniformity of the streetscene. Nevertheless a condition is recommended requiring the new staircase to be painted black and maintained as such in order to ensure it is keeping with the metal work to the front boundary and on the elevation. Furthermore the principle of this alteration has previously been accepted on this street (RN: 11/08882/COFUL) and therefore a refusal would be difficult to sustain in design terms.

To the rear the alterations involve the excavation of a lightwell, the depth of which does not project beyond the rear elevation of the shallow closet wings. Railings will be introduced around the lightwell and a window is to be inserted on the rear elevation. During the course of the application the treatment within the lightwell has been amended to stone following concerns raised with the suitability and durability of timber decking; this alteration is acceptable. The detailed design and scale of these alterations are in keeping with the existing arrangement to some of the rear elevations of the buildings within this terrace and therefore they are not contentious in design terms.

The alterations would preserve the character and appearance of the Maida Vale Conservation Area and are consistent with policies S25 and S28 of the City Plan and policies DES1, DES5 and DES 9 of the UDP.

### **8.3 Residential Amenity**

The proposed flat would be located within the building envelope of the existing building and would therefore not result in material loss of light or sense of enclosure for the occupants of neighbouring properties.

Whilst new windows to the front and rear elevations are proposed, these would have outlook over the existing lightwell and communal garden only. Accordingly, these windows would not result in loss of privacy for the occupants of neighbouring properties.

Given the above, the proposed development would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP.

### **8.4 Transportation/Parking**

An objection has been raised to the potential impact of the new unit on on-street parking. No off-street parking is proposed as part of this development.

The Highways Planning Manager notes that the latest on-street parking survey indicates the sufficient on-street parking exists for the likely parking demand associated with this development. Accordingly, the proposed development is consistent with policy TRANS23 of the UDP.

Sufficient cycle parking has been provided on-site, in accordance with policy 6.9 of the London Plan (FALP 2015). A condition is recommended to secure this cycle parking.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Not applicable for a development of this scale.

### **8.7 London Plan**

This application raises no strategic issues.

### **8.8 National Policy/Guidance Considerations**

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

### **8.9 Planning Obligations**

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

The estimated CIL payment is: £9420.

### **8.10 Environmental Impact Assessment**

Not applicable for development of this scale.

### **8.11 Other Issues**

An objector notes concerns with noise, dust and damage from the works. However, it is a longstanding principle that planning permission cannot be refused due to the impact of construction given its temporary nature and the ability to control it via condition. A condition has been recommended to limit construction hours.

An objector is also concerned that the proposal will cause subsidence. However, structural issues are a matter for building regulations and this is not a material planning consideration in this instance.

While the objection from Environmental Health is noted, means of escape is a building regulations matter and permission cannot be refused on this basis.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from EH Consultation, dated 25 July 2016
3. Response from Highways Planning Manager, dated 18 July 2016
4. Letter from occupier of 26a Blomfield Villas, London, dated 27 July 2016

### **Selected relevant drawings**

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

Item No.

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

# 10. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 36 Blomfield Villas, London, W2 6NQ

**Proposal:** Use of basement as dwellinghouse (Class C3), installation of windows to the front and rear elevations, installation of stair within front lightwell, creation of lightwell to rear and installation of railing around lightwell to rear elevation.

**Reference:** 16/06070/COFUL

**Plan Nos:** Design and Access Statement, site plan, 36-FE-001, 36-BP-001, 36-P-001, 36-RE-001, 36-S-001, 36-SE-001.

**Case Officer:** Heather Sevicke-Jones

**Direct Tel. No.** 020 7641 6519

**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 S29 and S32 of Westminster's City Plan (July 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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 Notwithstanding details shown on the approved drawings the new metal staircase and the new railings shall be painted black and maintained as such hereafter.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 Notwithstanding details shown on the approved drawings the new windows hereby permitted shall be white painted timber and maintained as such.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 provide the waste store shown on drawing 36-P-001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.



**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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 30 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Westbourne	
<b>Subject of Report</b>	<b>42 Blomfield Villas, London, W2 6NQ,</b>		
<b>Proposal</b>	Use of basement as dwellinghouse (Class C3), installation of windows to the front and rear elevations, installation of stair within front lightwell, creation of lightwell to rear and installation of railing around lightwell to rear elevation.		
<b>Agent</b>	Lambert Smith Hampton		
<b>On behalf of</b>	City West Homes		
<b>Registered Number</b>	16/06072/COFUL	<b>Date amended/ completed</b>	28 June 2016
<b>Date Application Received</b>	28 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
--

## 2. SUMMARY

The application site is an unlisted mid-terrace building located within the Maida Vale Conservation Area. Permission is sought to create a one bed flat within the existing unused lower ground floor level space. Installation of windows on the front and rear elevations, replacement of the staircase in the front lightwell and the creation of a lightwell against the rear elevation are also proposed.

Objections have been received in relation to the development proposals on the grounds of its impact on the structural integrity of the building, detailed design, and parking issues.

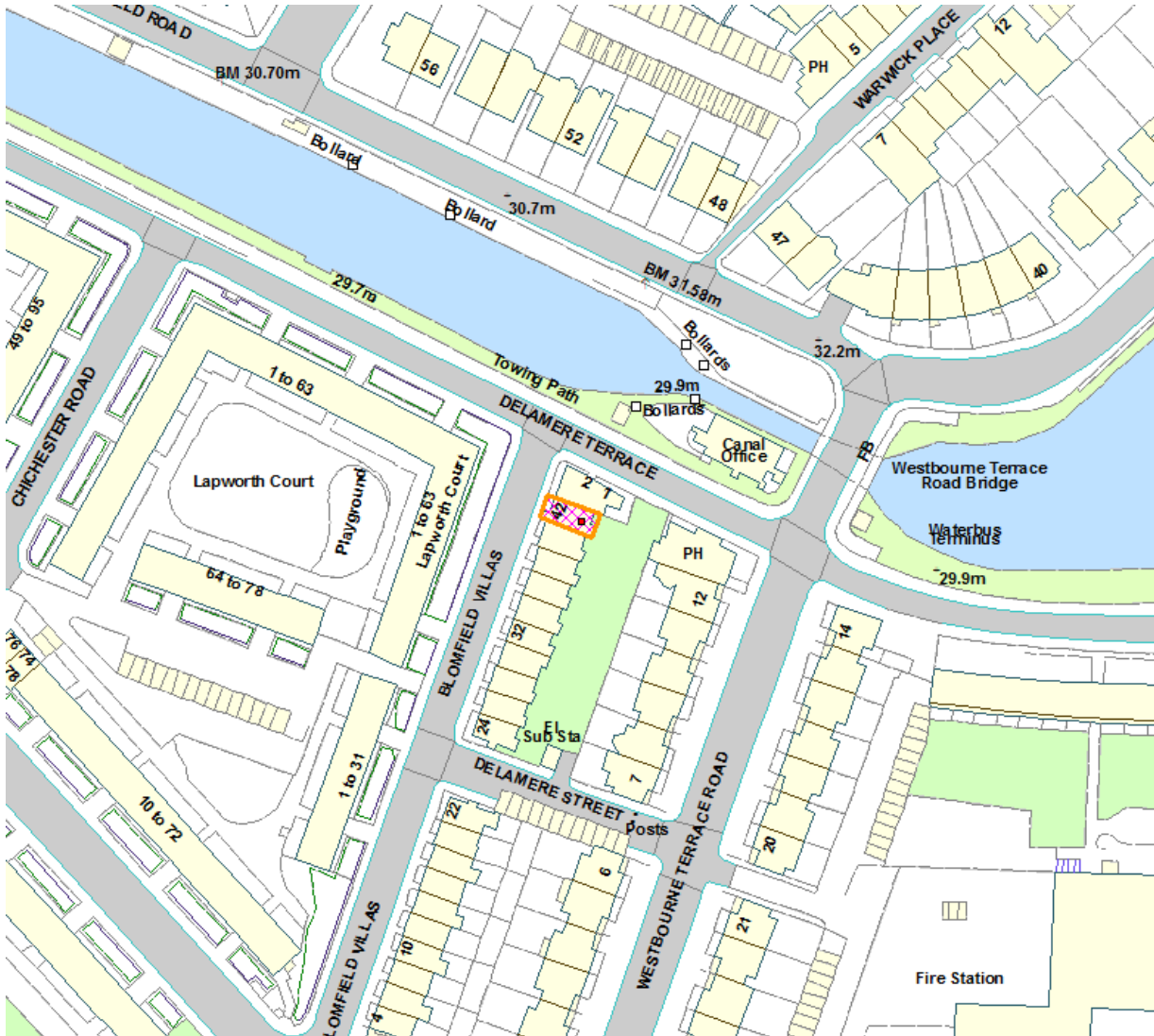
The key issues in this case are:

- \*The impact of the development on the amenity of neighbouring properties
- \*The impact of the development on the character and appearance of the building and the Maida Vale Conservation Area
- \* The impact of the development on parking pressure in the area.

The proposals are considered to be acceptable in land use, amenity, design and highways terms and comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan:

Strategic Policies (the City Plan).

### 3. LOCATION PLAN



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**4. PHOTOGRAPHS**

**Front Elevation**



**Rear Elevation**



## 5. CONSULTATIONS

### PADDINDTON WATERWAYS AND MAIDA VALE SOCIETY

No objection in principle to the use of the basement as C3 use, however the detailed design of the window is unsympathetic with the host building and the replacement staircase should be solid.

### CLEANSING

No objection raised.

### HIGHWAYS PLANNING

Acceptable on transportation grounds.

### ENVIRONMENTAL HEALTH

Objection raised on the grounds that the plans show a poor means of escape arrangement.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 12

No. of objections: 2

Total No. of replies: 2

Object on the following grounds:

- Concern over available parking spaces
- Construction issues such as noise and contractor access
- Structural condition of the building needs attention prior to the works taking place.
- Potential structural effect on the existing building
- Will repair and maintenance work be carried out to the whole of the building?

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site is a basement plus three storey unlisted mid-terrace building located within the Maida Vale Conservation Area. The building is currently in use as flats on ground, first and second storey levels. The lower ground floor level is not habitable space, although it appears to have historically been used as such. The space currently does not have any internal walls or flooring and a full internal fit out would be required to make it habitable.

### 6.2 Recent Relevant History

None

## 7. THE PROPOSAL

Planning permission is sought to create a one bed dwellinghouse (C3) at the lower ground floor level. In order to achieve this external alterations to the buildings envelope are required and involve the creation of a lightwell to the rear of the building, the replacement of the staircase within the front lightwell and the installation of windows on the front and rear elevations.

During the course of the application an additional section drawing was submitted showing the rear elevation from within the rear lightwell. Additionally amended plans were submitted showing a change to the flooring material in the rear lightwell and the relocation of the metres on the front elevation.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The provision of additional residential units is supported in principle by policy S14 of the City Plan (adopted July 2016) (“the City Plan”) and policy H3 of the Unitary Development Plan (adopted 2007) (“the UDP”).

The proposed unit would have a floor area of approximately 46 square metres (sqm). This would exceed the minimum floor area for a 1b1p flat (i.e. 39 sqm) but fall below the minimum floor area for a 1b/2p flat (i.e. 50 sqm) set out in the Nationally Described Space Standard and policy 3.5 of the London Plan (FALP 2015). Given the marginal nature of this shortfall, the proposed flat would still provide an acceptable standard of accommodation and refusal on this basis would not be sustainable.

### 8.2 Townscape and Design

The local amenity society have commented that the proposed window is unsympathetic with the host building, causing harm to the character and appearance of the Conservation Area. Additionally they state the replacement stairs should be solid rather than metal.

On the front elevation it is proposed to remove the existing solid staircase which sits against the front elevation, introduce a replacement metal staircase against the front vault elevation and to insert a window on the front elevation. The new timber sash window sits directly below the window at ground floor level. The comments from the local amenity society are noted. However, given that the window is to be located on the most subservient level on the front elevation, the scale of the window and the minimal architectural detailing surrounding it is considered to be appropriate for this location, preserving the character and appearance of the building within its setting of the Maida Vale Conservation Area. As proposed the window is of an appropriate scale, reflects the architectural style and materiality of the host building and therefore is considered to be in accordance with UDP Policy DES 5.

Whilst the loss of a solid staircase is regrettable, in order to achieve light into the lower ground floor level the staircase had to be relocated away from the front elevation. Whilst

its replacement with a solid stair would be welcomed, it would be difficult to achieve this within a lightwell of this scale where access to the vaults is required. The staircase is lightweight, subservient in scale and design and maintains the interpretation of the proportionality of the building as a mid-terrace house and consequently the uniformity of the streetscene. Nevertheless a condition is recommended requiring the new staircase to be painted black and maintained as such in order to ensure it is keeping with the metal work to the front boundary and on the elevation. Furthermore the principle of this alteration has previously been accepted on this street (RN: 11/08882/COFUL) and therefore a refusal would be difficult to sustain in design terms.

To the rear the alterations involve the excavation of a lightwell, the depth of which does not project beyond the rear elevation of the shallow closet wings. Railings will be introduced around the lightwell and a window is to be inserted on the rear elevation. During the course of the application the treatment within the lightwell has been amended to stone following concerns raised with the suitability and durability of timber decking; this alteration is acceptable. The detailed design and scale of these alterations are in keeping with the existing arrangement to some of the rear elevations of the buildings within this terrace and therefore they are not contentious in design terms.

The alterations would preserve the character and appearance of the Maida Vale Conservation Area and are consistent with policies S25 and S28 of the City Plan and policies DES1, DES5 and DES 9 of the UDP.

### **8.3 Residential Amenity**

The proposed flat would be located within the building envelope of the existing building and would therefore not result in material loss of light or sense of enclosure for the occupants of neighbouring properties.

Whilst new windows to the front and rear elevations are proposed, these would have outlook over the existing lightwell and communal garden only. Accordingly, these windows would not result in loss of privacy for the occupants of neighbouring properties.

Given the above, the proposed development would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP.

### **8.4 Transportation/Parking**

An objection has been raised to the potential impact of the new unit on on-street parking. No off-street parking is proposed as part of this development.

The Highways Planning Manager notes that the latest on-street parking survey indicates the sufficient on-street parking exists for the likely parking demand associated with this development. Accordingly, the proposed development is consistent with policy TRANS23 of the UDP.

Sufficient cycle parking has been provided on-site, in accordance with policy 6.9 of the London Plan (FALP 2015). A condition is recommended to secure this cycle parking.



## **8.5 Economic Considerations**

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

## **8.6 Access**

Not applicable for a development of this scale.

## **8.7 London Plan**

This application raises no strategic issues.

## **8.8 National Policy/Guidance Considerations**

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

## **8.9 Planning Obligations**

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

The estimated CIL payment is: £9320.

## **8.10 Environmental Impact Assessment**

Not applicable for development of this scale.

## **8.11 Other Issues**

An objector notes concerns with noise, dust and damage from the works. However, it is longstanding principle that planning permission cannot be refused due to the impact of construction given its temporary nature and the ability to control it via condition. A condition has been recommended to limit construction hours.

An objector is also concerned that the proposal will cause subsidence. However, structural issues are a matter for building regulations and this is not a material planning consideration in this instance.

An objector has queried what tenure the proposed flat will be. The applicant has confirmed that this flat will be for private sale.

While the objection from Environmental Health is noted, means of escape is a building regulations matter and permission cannot be refused on this basis.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from EH Consultation, dated 25 July 2016
3. Response from Project Officer (Waste), dated 25 Jul 2016
4. Response from Highways Planning Manager, dated 18 July 2016

5. Letter from occupier of 26a Blomfield Villas, London, dated 27 July 2016
6. Letter from occupier of 42C Blomfield Villas, London, dated 21 July 2016

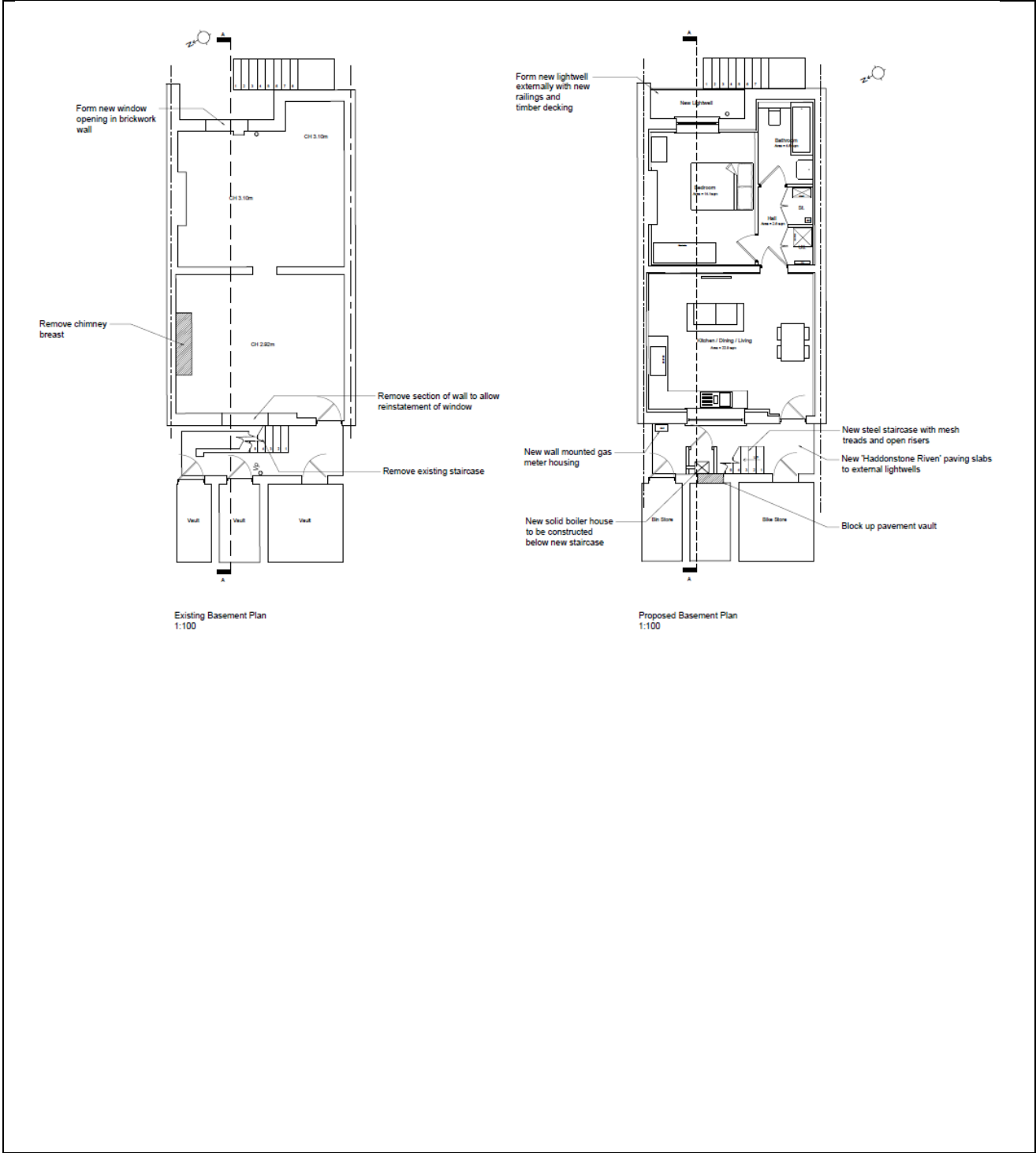
**Selected relevant drawings**

(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: NATHAN BARRETT BY EMAIL AT <a href="mailto:nbarrett@westminster.gov.uk">nbarrett@westminster.gov.uk</a> .
--

# 10. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 42 Blomfield Villas, London, W2 6NQ,

**Proposal:** Use of basement as dwellinghouse (Class C3), installation of windows to the front and rear elevations, installation of stair within front lightwell, creation of lightwell to rear and installation of railing around lightwell to rear elevation.

**Reference:** 16/06072/COFUL

**Plan Nos:** Design and access statement, 42-BP-001, 42-SE-001, 42-FE-001, 42-RE-001, 42-S-001, 42-P-001.

**Case Officer:** Heather Sevicke-Jones

**Direct Tel. No.** 020 7641 6519

**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 S29 and S32 of Westminster's City Plan (July 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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 Notwithstanding details shown on the approved drawings the new metal staircase and the new railings shall be painted black and maintained as such hereafter.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 Notwithstanding details shown on the approved drawings the new windows hereby permitted shall be white painted timber and maintained as such.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 provide the waste store shown on drawing 42-P-001 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

**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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

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Item No.
6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 30 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Warwick	
<b>Subject of Report</b>	58A Denbigh Street, London, SW1V 2EU		
<b>Proposal</b>	Installation of a window in the rear elevation		
<b>Agent</b>	Mr James Hutchison		
<b>On behalf of</b>	Mr Toby Flaux		
<b>Registered Number</b>	16/03700/FULL	<b>Date amended/ completed</b>	28 April 2016
<b>Date Application Received</b>	25 April 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

58a Denbigh Street is an unlisted building of merit located within the Pimlico Conservation Area. The property is a six storey building which is in use as 5 flats. The application site relates to a two bedroom flat located at the lower ground floor of the property.

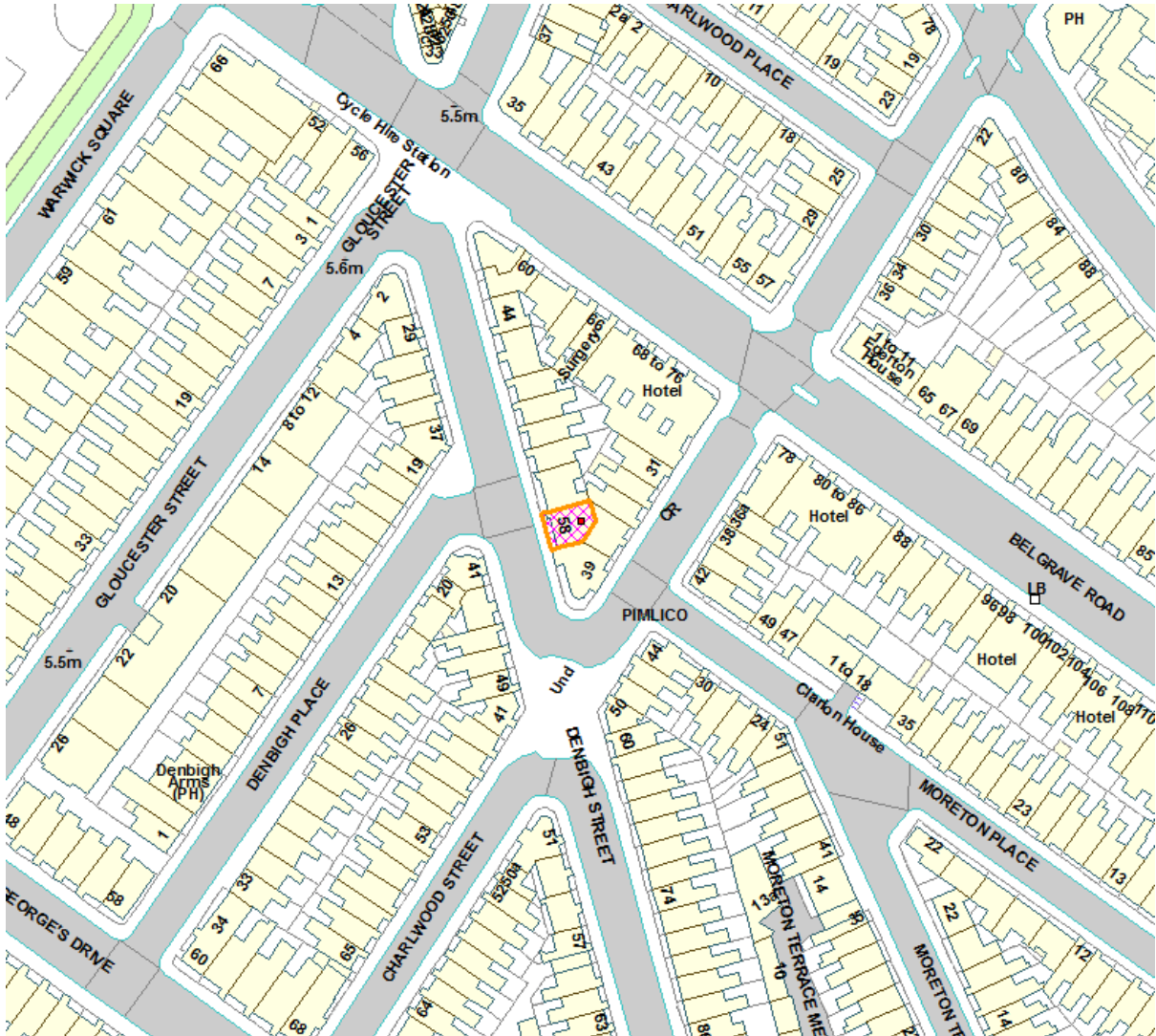
Planning permission is sought for the insertion of a new window into the rear elevation at basement level. The proposed window would face onto the courtyard of 37 Charlwood Street.

The key issue in this case is:

- \* The impact of the proposals on neighbouring residential amenity.

Subject to the recommended conditions, the proposals are considered acceptable and are in line with the policies set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP).

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



58 Denbigh Street

## 5. CONSULTATIONS

Westminster Society: No objections.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 17

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Five Letters of objection have been received from the owners/occupiers of 37 and 37a Charlwood Street on the following grounds:

#### Amenity

- Overlooking of the courtyard and basement property

#### Other

- Inaccuracies in drawings and statements provided by the applicant
- Fire hazard
- Will affect the ability of no.37 to develop the courtyard in the future.
- No consultation with 37/37a

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

58a Denbigh Street is an unlisted building of merit located within the Pimlico Conservation Area. The property is a 6 storey building which is in use as 5 flats. The application site relates to a two bedroom flat located at the lower ground floor of the property.

### 6.2 Recent Relevant History

Planning permission was granted on 17th September 2013 for the installation of a glazed canopy over the rear courtyard/ lightwell area to provide additional residential accommodation to the basement flat. (Reference 13/06632/FULL).

## 7. THE PROPOSAL

Planning permission is sought for the insertion of a new window into the rear elevation at basement level. The proposed window would face onto the courtyard of 37 Charlwood Street.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land use

There are no land use implications.

### 8.2 Townscape and Design

The proposed window is acceptable in design terms.

### 8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

Planning permission was previously granted on the 17<sup>th</sup> September 2013 (RN:13/06632/FULL) for the infill of the light well area of 58a Denbigh Street to create habitable space. This permission has since been implemented and the applicant is now seeking to insert a window into the rear facing bedroom as the sole means of daylight is provided by what is now an internal window into a covered lightwell.

The proposed window will face onto a courtyard that is enclosed by the rear elevations of 58 Denbigh Street and 37 Charlwood Street, this forms a small triangular shaped area into which there is no public visibility. There are a number of windows serving 37 Charlwood Street which face onto the courtyard. There is direct access to the courtyard from the basement flat (37a Charlwood Street). Objections have been received from the occupier of the basement flat and the freeholders of 37 Charlwood St. The rear courtyard to which the window will face onto is an amenity area for 37a Charlwood Street. The key issues raised within the objections are with regards to privacy issues stating that the proposed window at the rear elevation of 58A Denbigh Street would be an infringement of privacy to the basement flat (37A Charlwood Street) and their associated private garden (The light well of 37 Charlwood Street, labelled as a courtyard on the plans).

The rear windows of 37A Charlwood Street are less than 3m away from the proposed window of 58A Denbigh Street and could allow clear vision from 58A Denbigh Street to the bathroom of 37A Charlwood Street and the window as proposed will negatively affect the occupier's use of the private patio/yard.

In the initial proposal 50% of the window had obscure glazing with an opening height of 1100mm. Following the objections with regards to privacy issues the applicant amended the proposal to include obscure glazing raised to the top glazing bar level and has reduced the opening to 150mm from the top of the window. However, it is recommended that an amending condition is applied to ensure that the window is fully obscured and fixed shut to ensure that there is no potential for either overlooking or noise. On this basis, the application is considered acceptable and will comply with ENV13 and S29.

#### **8.4 Transportation/ Parking**

The proposal does not raise any transportation or parking considerations.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

Not applicable.

#### **8.7 London Plan**

This application raises no strategic issues.

#### **8.8 National Policy/Guidance Considerations**

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

#### **8.9 Planning Obligations**

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

#### **8.10 Environmental Impact assessment**

The environmental impacts of the proposed development are not significant and the development is of insufficient scale to warrant the submission of an Environmental Impact Assessment.

#### **8.11 Other Issues**

The fire safety issue raised by objectors is controlled by Building Regulations, with which the new window will have to comply. The matter is not one on which it would be reasonable for the City Council to refuse planning permission.

In terms of the future potential for development at 37a Charlwood Street, any planning application will be assessed on its own merits in line with the Council's development plan policies applicable at the time of application. It should be noted however that the Council could not afford any protection to the proposed window given its location in the boundary wall – an informative to this effect is recommended.

The lack of consultation between neighbours is not a matter on which planning permission could be refused; neighbouring properties were consulted as part of the City Council's own notification procedure following the receipt of a planning application.

## 9. BACKGROUND PAPERS

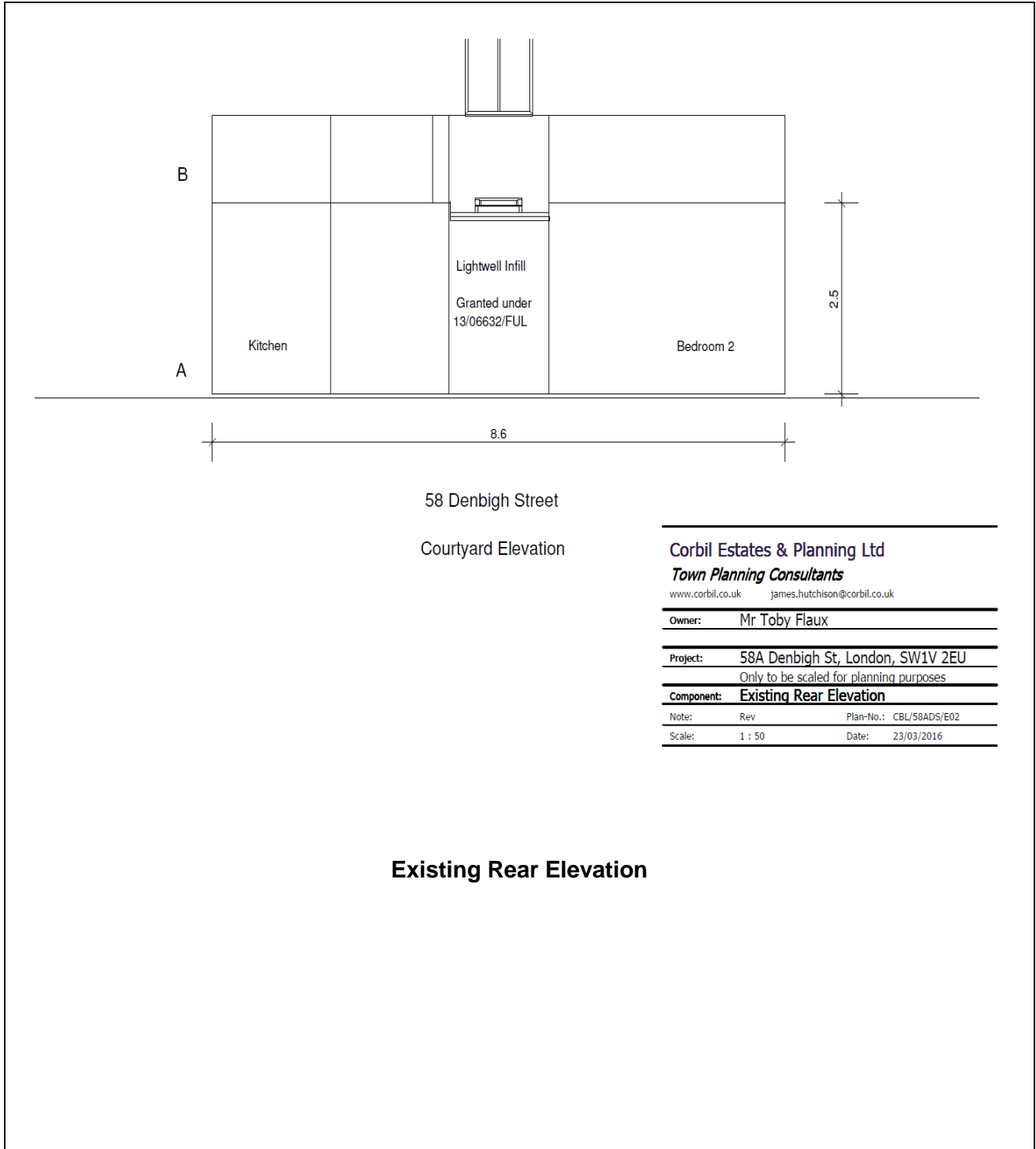
1. Application form
2. Response from Westminster Society, dated 10 May 2016
3. Letter from occupier of 37a Charlwood St, Pimlico, dated 29 May 2016
4. Letter from occupier of 37 Charlwood Street, London, dated 11 May 2016
5. Letter from occupier of 37 Charlwood Street, London, dated 28 July 2016
6. Letter from occupier of 37 Charlwood Street, London, dated 4 May 2016
7. Letter and email from Corbil estates on behalf of the applicant, dated 18 May and April 2016

### Selected relevant drawings

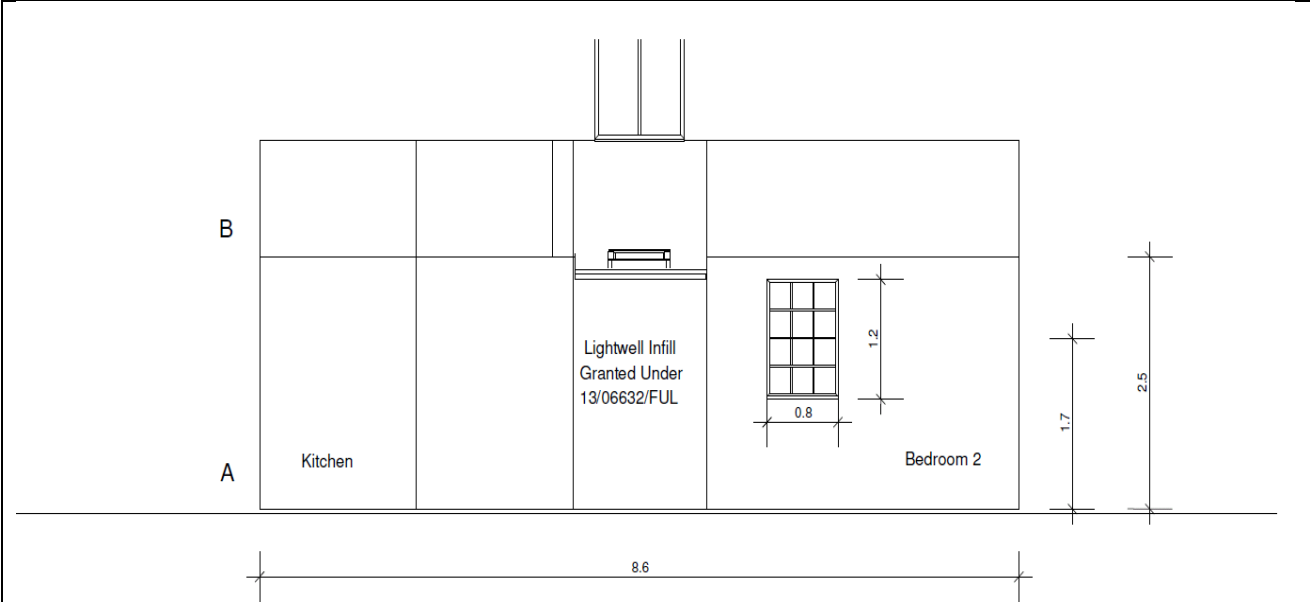
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

**10. KEY DRAWINGS**







58 Denbigh Street  
 Courtyard Elevation

**Corbil Estates & Planning Ltd**  
**Town Planning Consultants**

www.corbil.co.uk james.hutchison@corbil.co.uk

**Owner:** Mr Toby Flaux

**Project:** 58A Denbigh St, London, SW1V 2EU

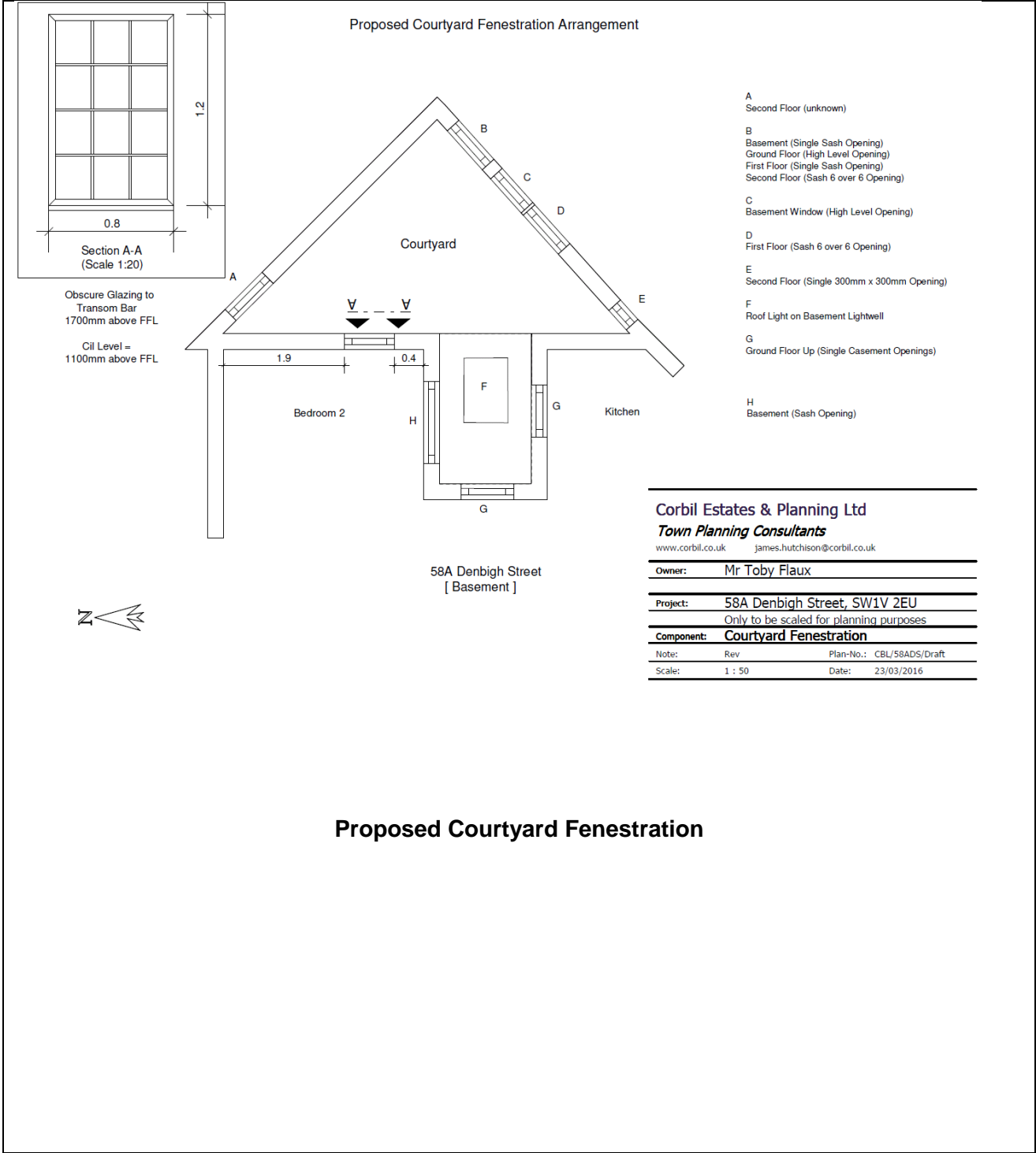
Only to be scaled for planning purposes

**Component:** Proposed Rear Elevation

**Note:** Rev Plan-No.: CBL/58ADS/P02

**Scale:** 1 : 50 Date: 23/03/2016

**Proposed Rear Elevation**




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**Corbil Estates & Planning Ltd**  
*Town Planning Consultants*  
 www.corbil.co.uk james.hutchison@corbil.co.uk

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**Owner:** Mr Toby Flaux

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**Project:** 58A Denbigh Street, SW1V 2EU  
 Only to be scaled for planning purposes

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**Component:** Courtyard Fenestration

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Note:	Rev	Plan-No.:	CBL/58ADS/Draft
Scale:	1 : 50	Date:	23/03/2016

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**DRAFT DECISION LETTER**

**Address:** 58A Denbigh Street, London, SW1V 2EU

**Proposal:** Installation of a window in the rear elevation

**Reference:** 16/03700/FULL

**Plan Nos:** Site Location Plan; CBL/58ADS/E01; CBL/58ADS/E02; CBL/58ADS/E03;  
CBL/58ADS/Draft; CBL/58ADS/P01; CBL/58ADS/P02; CBL/58ADS/P04;  
CBL/58ADS/Draft; CBL/58ADS/E05.

**Case Officer:** Seana McCaffrey

**Direct Tel. No.** 020 7641 1091

**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 S29 and S32 of Westminster's City Plan (July 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 (July 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 glass that you put in the Window in the rear elevation of the property (basement flat) must not be clear glass, and you must fix it permanently shut. 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 must not change it without our permission. (C21DB)

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

**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 (July 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 advised that, given the approved window is within a boundary wall, the City Council cannot protect it in the event that any neighbouring land is developed.