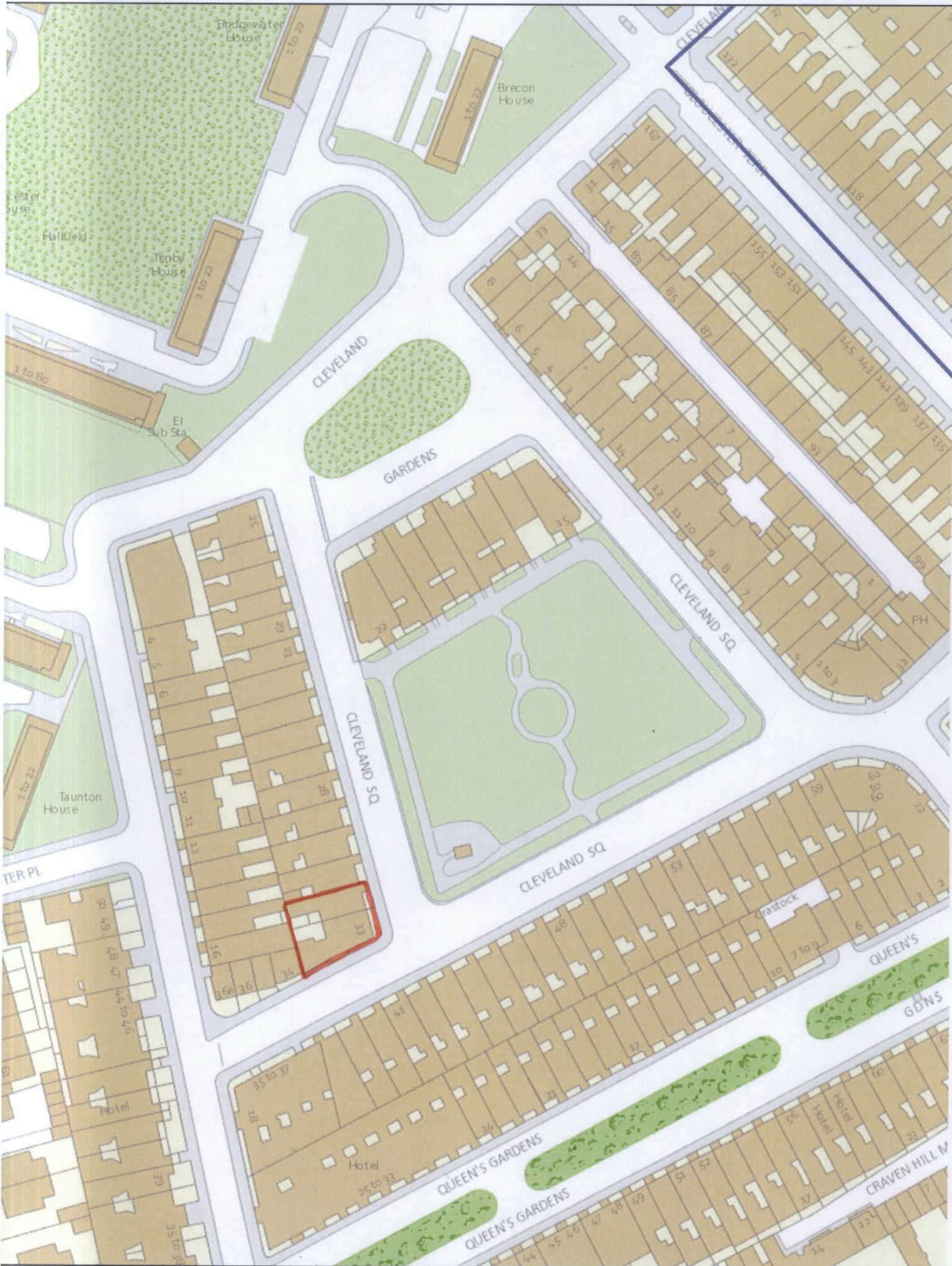


CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 September 2015	Classification For General Release	
Report of Director of Planning		Wards involved Lancaster Gate	
Subject of Report	Flat 8, 33 Cleveland Square, London, W2 6DD		
Proposal	Creation of roof terrace to fourth floor rear closet wing roof with associated railings and privacy screen, insertion of rooflights into front pitch of main roof and lowering of cills at fourth floor level on front elevation; all associated with fourth floor Flat 8.		
Agent	A3Associates		
On behalf of	Mr R Keech		
Registered Number	15/05085/FULL	TP / PP No	TP/15025
Date of Application	08.06.2015	Date amended/ completed	08.06.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Refuse permission - design and amenity.





Flat 8

33 CLEVELAND SQUARE, W2

2. SUMMARY

No. 33 Cleveland Square is an unlisted building located within the Bayswater Conservation Area.

This application involves works to Flat 8 on the fourth floor of the building including a roof terrace on top of the third floor closet wing, enclosed by metal railings and a glass privacy screen, a reduction in the cill height of windows on the front elevation of the building, and the installation of four rooflights to the roof. Representations of both objection and support have been received.

The key issues in this case are:

- The impact of the roof terrace on residential amenity.
- The impact of the external alterations on the character and appearance of the building and the Bayswater Conservation Area

The application is considered to be unacceptable in amenity and design terms and contrary to the relevant City Plan and Unitary Development Plan (UDP) policies. It is therefore recommended for refusal.

3. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Objection on grounds that reducing level of cills would break uniformity of existing window lines. No objection to rear roof terrace.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 41; Total No. of Replies: 28.

18 letters of objection, Eight letters of support. Two neutral comments.

Objections received on the following grounds:-

Design

- Unsightly and of a poor design.
- Obscure frosted glass out of character with host building.
- Sets precedent for similar alterations on other properties.
- Relates poorly to adjacent listed buildings.
- Negative impact on the skyline from public and private views.

Amenity

- Noise from proposed roof terrace.
- Cumulative impact of additional roof terraces results in increased noise.
- Loss of privacy and additional overlooking as a result of the creation of this terrace.
- Conditions relating to occupancy of the terrace would be impossible to enforce.
- Loss of daylight and sunlight to surrounding occupants.
- Proximity to residential rooms in No. 31 Cleveland Square and Nos. 15-16 Leinster Gardens to rear.
- Impact of cigarette smoke from balcony on air quality in vicinity of the development.

Other

- Application documentation does not reflect pre application consultation with surrounding residents.

- Debris from garden on roof terrace likely to affect servicing arrangements.

Letters of support

- Design would improve appearance of rear elevation of building.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site is known as 33 Cleveland Square which also comprises 32 Cleveland Square. The application relates to Flat 8, which spans across the full width of the top floor of these buildings.

4.2 Relevant History

14/11415/FULL: Permission granted in March 2015 for the installation of two front and two rear rooflights into pitched roof, replacement of windows to Flats 8 and 9 involving alterations to window openings on front and rear elevation.

As part of this proposal a roof terrace with glass balustrading was originally proposed. This was subsequently deleted following objections from neighbouring residents.

5. THE PROPOSAL

It is proposed to create a roof terrace on the flat roof of the closet wing that exists to the rear of the property. The terrace would be surrounded by a parapet wall to a height of 60cm. On two sides there would additionally be metal railings to a height of 1.2m with the northern elevation having a 1.8m high obscure glazed privacy screen.

Other alterations included in the proposal include the lowering of the window cills to the front elevation at fourth floor level, and adding four rooflights at roof level.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The provision of additional external amenity space is welcomed in land use terms and supported by the City Council's policies on housing, including Policy S14 of the City Plan and H3 of the UDP.

6.2 Townscape and Design

33 Cleveland Square is part of a group of buildings (22-33 Cleveland Square) of which the remaining original buildings (numbers 22-31) are Grade II listed. The application site itself is not listed as it is understood to be a high quality 1950s replica of the original building on the site, which was demolished following bomb damage in the Second World War.

6.2.1 Creation of roof terrace

To the rear of the building it is proposed to convert the existing flat roof of the rear closet wing to a roof terrace to provide external amenity space for the flat at fourth floor level.

To facilitate the use of the roof as a terrace it is proposed to raise the existing parapet in like for like materials and to erect steel railings to two sides of the flat roof and a frosted privacy screen to the third side.

The physical alterations would be visible from the junction of Cleveland Square and Leinster Gardens, in addition to the rear of the terrace opposite at Leinster Gardens, and from the host building and 31 Cleveland Square. Whilst metal railings can be acceptable as a boundary treatment, the installation of glass balustrades at this height and location is normally resisted as it would create an alien boundary treatment that is uncharacteristic of the building within its immediate and wider setting.

The proposed location is considered to be particularly sensitive due to its location immediately adjacent to a group of listed buildings and its visibility from public views within the conservation area. In this context the glass balustrade would be an incongruous and alien feature that results in harm to both the setting of the adjacent listed buildings, and the wider conservation area. Furthermore, the introduction of two types of boundary treatments (glazed screen and steel balustrading) results in a confused appearance and visual clutter at roof level. The fact that the alterations would be visible from street level exacerbates this harm.

The proposed design alterations to create a roof terrace are considered unacceptable in design terms.

6.2.2 Alterations to window openings and installation of rooflights

Objections have been raised to the lowering of the window cills facing Cleveland Square, and to the installation of rooflights to the roof of this building. These alterations already benefit from approval under a previously approved scheme, and can therefore be carried out by the applicant irrespective of the outcome of this application.

The proposed lowering of the window cills to the front elevation are considered acceptable in design terms as the proposal would be consistent with other window openings in close proximity to the site, and preserves the existing hierarchy of windows which diminish in size from the first floor upwards, reflecting the characteristics of many of the other listed buildings in Cleveland Square.

In respect of the proposed rooflights, these would not be visible from street level. Furthermore, similar rooflights already exist on both the front and rear elevations of Cleveland Square including Nos. 28, 39, 41, 42 and 48 Cleveland Square.

Overall, the proposal is considered unacceptable in design terms because of the detailed design of the roof terrace boundary treatments. These would be contrary to Policies S25 and S28 of the City Plan, and Policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP.

6.3 Amenity

A number of objections have been raised by occupants of Leinster Square to the rear, and the adjoining properties on Cleveland Square, expressing concerns that the proposal would result in an unacceptable level of additional overlooking to surrounding properties, together with a loss of daylight and sunlight and noise that could result from the proposal.

6.3.1 Overlooking

The installation of a 1.8m high privacy screen adjacent to 31 Cleveland Square means that the proposal would not directly overlook the adjoining bedroom window of the neighbouring

property. Any direct overlooking resulting from the proposal would therefore be restricted to the windows within the application site.

From a greater distance the roof terrace would overlook the rear elevation of the buildings at Leinster Gardens. This has been the source of a number of objections from the residents of 15-16 Leinster Gardens. Whilst it is noted that there are already a number of terraces that have been constructed with a similar relationship to that now under consideration, including one at 30 Cleveland Square and one at 14 Leinster Gardens, these are historic structures that have not been granted planning permission under the existing policy framework.

It is considered that the provision of external amenity space at this location does have the potential to result in a feeling of overlooking to the rear windows of these properties in Leinster Gardens. The use of a terrace at this location could result in the occupants sitting out for large periods of time on the terrace, particularly in summer time with a clear line of sight into the rear windows of the adjacent building, therefore leading the neighbouring residents to close their curtains or blinds to protect their own privacy. This is a materially worse situation to the mutual overlooking that already exists between the windows that exist at present on the two elevations, and is considered unacceptable in amenity terms.

6.3.2 Noise and Air Quality.

Concerns are also raised by residents that the proposal could result in disruption from noise as a result of the use of this terrace. In addition, concerns are expressed about the potential for air pollution, for instance through cigarette smoke from users of the terrace.

The roof terrace would comprise 7m² of useable floorspace. Such a space is not large enough to hold a large number of people. At the most, four may be realistic. A glass screen is proposed between the terrace and the nearest residential bedroom, and this would provide some mitigation against noise travelling from the terrace to the adjacent bedroom.

Notwithstanding this, the additional overlooking is considered unacceptable, and the application is considered to be contrary to the City Council's policies on protecting residential amenity as set out in S29 of the City Plan and ENV 13 of the UDP.

6.4 Transportation/Parking

None relevant.

6.5 Economic Considerations

None relevant.

6.6 Equalities and Diversities (including Disabled Access)

Access to the existing private residential unit would not be altered by the proposed extension at roof level.

6.7 London Plan

The proposed development does not raise strategic issues.

6.8 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.9 Planning Obligations

None relevant to this application.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

None applicable.

6.11 Other Issues

None relevant.

6.12 Conclusion

The application is considered to be unacceptable in design and amenity terms and is therefore recommended for refusal.

BACKGROUND PAPERS

1. Application form.
2. Objection from South East Bayswater Residents Association dated 31 July 2015.
3. Objection letter from occupier of Flat 8, 30 Cleveland Square dated 7 July 2015.
4. Objection letter from occupier of Flat 7, 31 Cleveland Square dated 8 July 2015.
5. Objection letter from occupier of Flat 6, 31 Cleveland Square dated 9 July 2015.
6. Objection letter from occupier of Flat 11, 7 Cleveland Gardens dated 9 July 2015.
7. Objection letter from Room 10, 16 Leinster Gardens dated 12 July 2015.
8. Objection letter from 18/16 Leinster Gardens dated 12 July 2015.
9. Objection letter from 20/15 Leinster Gardens dated 12 July 2015.
10. Objection letter from Room 18, 15 Leinster Gardens dated 12 July 2015.
11. Objection letter from Room 18, 16 Leinster Gardens dated 12 July 2015.
12. Objection letter from Flat 21, 15 Leinster Gardens dated 12 July 2015.
13. Objection letter from Room 17, 16 Leinster Gardens (undated).

14. Objection letter from Flat 2, 15 Leinster Gardens dated 12 July 2015.
15. Objection letter from freeholder of 15 and 16 Leinster Gardens dated 12 July 2015.
16. Objection letter from 53 Cleveland Square dated 13 July 2015.
17. Letter of support from 28 Cleveland Square dated 13 July 2015.
18. Objection letter from 34 Cleveland Square dated 13 July 2015.
19. Objection letter from 47 Cleveland Square dated 13 July 2015.
20. Objection letter from Flat 2, 28 Cleveland Square dated 14 July 2015.
21. Letter of support from Flat H, 22 Cleveland Square dated 17 July 2015.
22. Letter of support from 21 Cleveland Square dated 23 July 2015.
23. Letter of support from Flat 3, 33 Cleveland Square dated 23 July 2015.
24. Letter of support from 33 Cleveland Square dated 23 July 2015.
25. Letter of support from 33 Cleveland Square dated 23 July 2015.
26. Letter of support from Flat 9, 33 Cleveland Square dated 24 July 2015.
27. Letters of objection from Flat 6, 31 Cleveland Square dated 18 August 2015 (x2).
28. Letter of objection from Flat 11, 7 Cleveland Square dated 21 August 2015.
29. Neutral letter from 32 Cleveland Square dated 23 August 2015.
30. Neutral letter from 33 Cleveland Square dated 23 August 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARAH WHITNALL ON 020 7641 2929 OR BY E-MAIL – swhitnall@westminster.gov.uk

DRAFT DECISION LETTER

Address: Flat 8, 33 Cleveland Square, London, W2 6DD

Proposal: Creation of roof terrace to fourth floor rear closet wing roof with associated railings and privacy screen, insertion of rooflights into front pitch of main roof and lowering of cills at fourth floor level on front elevation; all associated with fourth floor Flat 8.

Plan Nos: 1065 PL 01, 1065 PL 02, 1065 PL 03, 1065 PL 04 rev B, 1065 PL 05 rev A, 1065 PL 06 rev B, 1065 PL 07. Design and Access Statement.

Case Officer: Neil Holdsworth

Direct Tel. No. 020 7641 5018

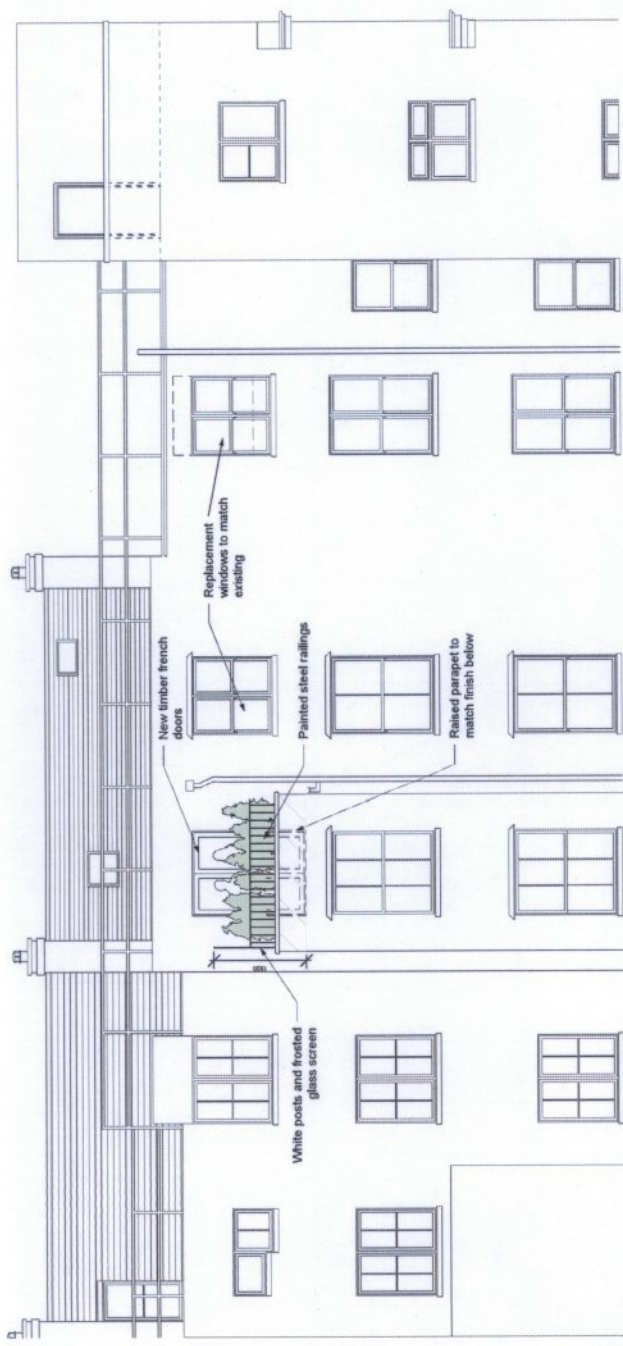
Recommended Reason(s) for Refusal:

- Reason:
- 1 Because of its detailed design the glazed screen to be erected on the proposed roof terrace would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area and the adjoining group of listed buildings at 31 - 22 Cleveland Square. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 5, DES 6, DES9, DES 10, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)
- Reason:
- 2 The use of this area of roof as a terrace would lead to an unacceptable loss of privacy for people in neighbouring properties. This would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X13AB)

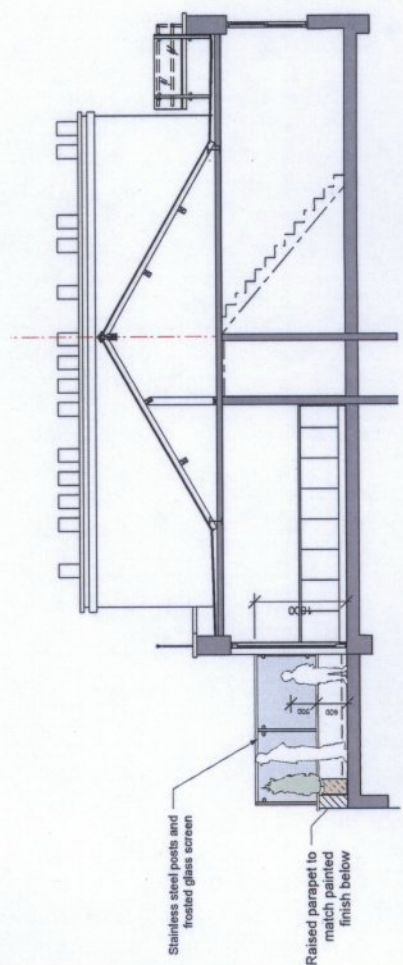
Informative(s):

- 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: Strategic Policies adopted November 2013, 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.

These drawings are the property of A3 Associates and may not be reproduced or copied without consent. Do not scale from the drawings for construction purposes. All dimensions to be checked on site if in doubt call.



1 Rear Elevation



2 Section through Terrace



Revision B: 20/05/15 Roof Terrace & Section Added
Revision A: 19/01/15 Roof Terrace omitted

FOR INFORMATION	
A3 Associates Ltd	
16 Daisy Lane London, W1A 1JF Tel: 020 7731 6463 lan@a3associates.net	
PROJECT	Flat 8, 33 Cleveland Square
DRAWING	Side Elevation & Section
SCALE	1:100 @ A3
DATE	May 15
DRAWN BY	1065 PL 06
REVISION	B
CHECKED BY	

These drawings are the property of A3 Associates and may not be reproduced or used in any way without consent. Do not scale from the drawings for construction purposes. All dimensions are given in millimetres unless otherwise stated. All dimensions to be checked on site. If in doubt ask.



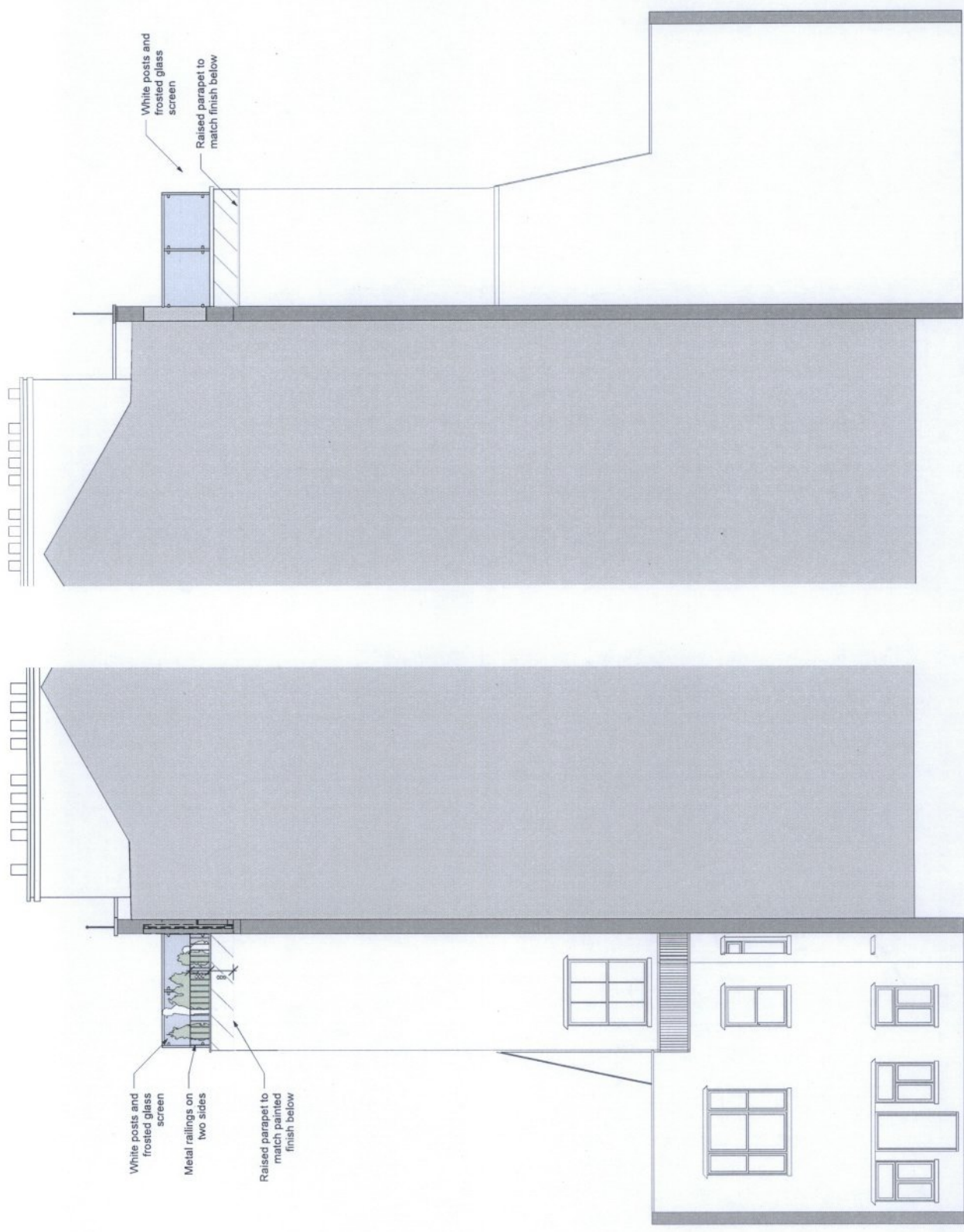
1 Elevation on Cleveland Square



Revision A : 19/05/15 Flat 9 Omitted

FOR INFORMATION	
A3 Associates Ltd	
16 Dairy Lane, London, E16 3JN Tel: 020 7731 6463 info@a3associates.net	
Flat 8, 33 Cleveland Square	
PROJECT	
Front Elevation	
DRAWING	
1:100 @ A3	May 15
SCALE	DATE
1065 PL 05	A
DWG. NO.	REVISION
	CHECKED

These drawings are copyright A3 Associates and may not be reproduced or copied without consent. Do not scale from the drawings for construction purposes. All dimensions should be checked on site. All dimensions to be checked on site.



White posts and frosted glass screen
Metal railings on two sides
Raised parapet to match painted finish below

White posts and frosted glass screen
Raised parapet to match finish below



FOR INFORMATION	
A3 Associates Ltd	
16 Daley Lane London W14 9JQ Tel: 020 7731 5463 Email: lm@a3associates.net	
Flat 8, 33 Cleveland Square	
PROJECT	Side Elevations
DRAWING	Side Elevations
SCALE	1:100 @ A3
DATE	May 15
DWG. NO.	1065 PL 07
REVISION	
CHECKED	

1 Side Elevation from No 33

2 Side Elevation from No 31