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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 19 April 2016 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved St James's | |
| Subject of Report | Penthouse 41, 35 Buckingham Gate, London, SW1E 6PA, | | |
| Proposal | External alterations to the form, glazing and cladding of the penthouse flat at fifth floor level with the formation of balcony to Wilfred Street frontage. | | |
| Agent | Mr Rob Hughes | | |
| On behalf of | Mr Richard Fry | | |
| Registered Number | 15/12060/FULL | Date amended/ completed | 12 February 2016 |
| Date Application Received | 23 December 2015 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Birdcage Walk | | |

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

35 Buckingham Gate is a post war building comprising ground and part five/part six upper floors. Permission is sought for external alterations to the form, glazing and cladding of the penthouse flat at rear fifth floor level and a new balcony to the Wilfred Street frontage.

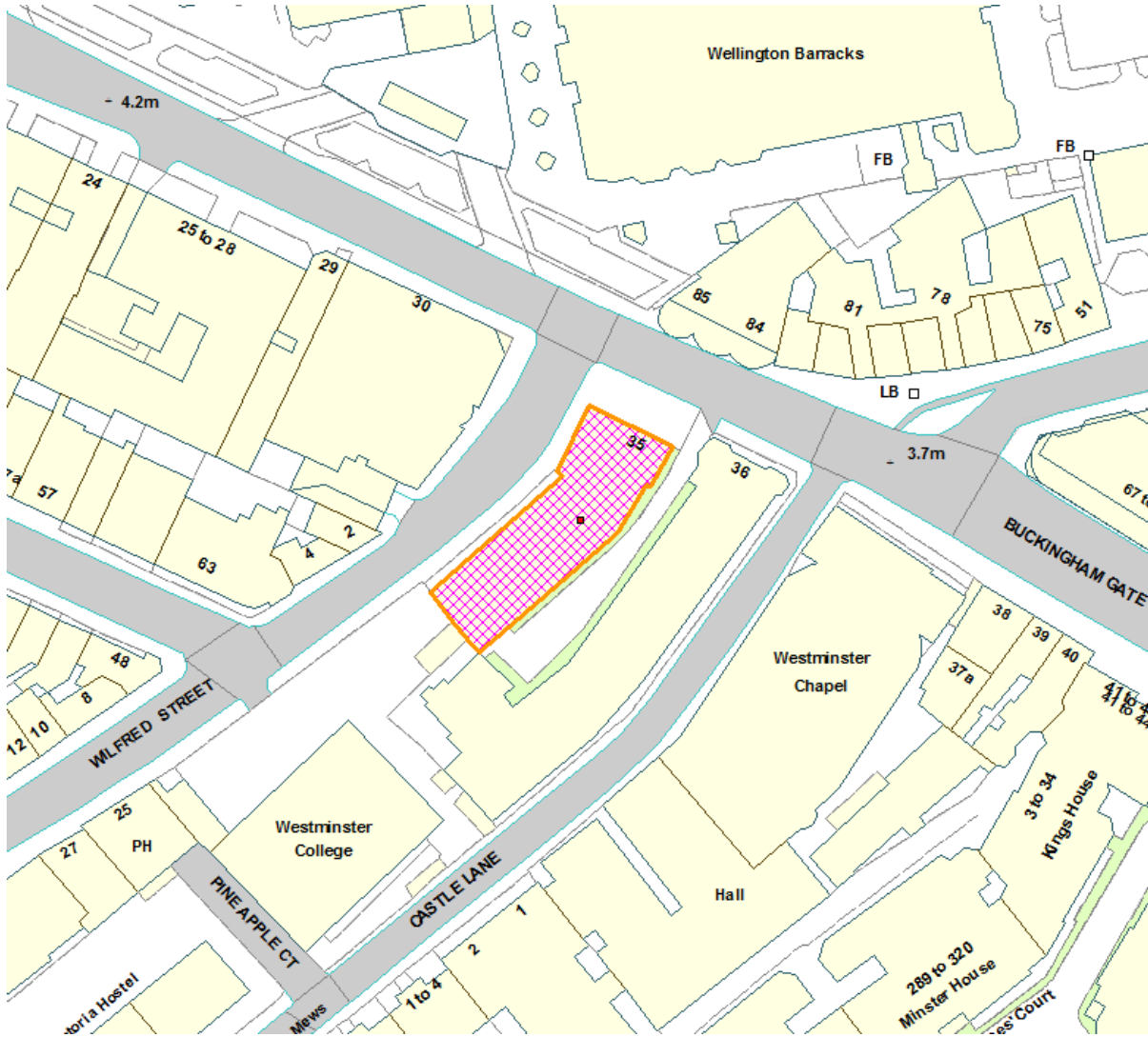
A similar application, but which included a sixth floor level extension with roof terrace, was refused in November 2015 on design and amenity grounds in relation to the sixth floor extension and terrace. The current application seeks to respond to the refused scheme by omitting the sixth floor extension and roof terrace.

The key issues in this case are:

- * The impact of the proposals upon the character and appearance of the conservation area.
- * The impact of the proposals on neighbouring residential amenity.

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



35 Buckingham Gate.

5. CONSULTATIONS

Westminster Society: No objections.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 93

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Two letters of objection received from neighbouring residents in 36 Buckingham Gate on the following grounds:

Amenity

- The proposal will alter the skyline when viewed from 36 Buckingham Gate and will result in a loss of sky and sense of enclosure.

Other

- Noise and disturbance during construction works.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

35 Buckingham Gate is an unlisted building located within the Birdcage Walk Conservation Area and the Core Central Activities Zone. The site is a post war building comprising ground and part six/part five upper storeys and is divided into flats. The application relates to the rear fifth floor penthouse, which occupies the roof extension over the rear wing of the block which fronts Wilfred Street.

6.2 Recent Relevant History

15/08515/FULL

External alterations at fifth floor level including changes to fenestration, recladding and installation of plant room to rear elevation plus formation of balcony to Wilfred Street frontage. Erection of a single storey extension at sixth floor level with roof terrace to provide additional residential accommodation in connection with Flat 41.

Application Refused on design and amenity grounds. 24 November 2015

7. THE PROPOSAL

This application follows the refusal of a similar application which included a sixth floor level extension with roof terrace on 24 November 2015, on the grounds that the height and design of the sixth floor extension would be harmful to the character and appearance of the conservation area and that the new roof terrace would lead to an unacceptable loss of privacy and potential for noise disturbance for people in neighbouring properties. The current application seeks to respond to the previous reasons for refusal by omitting the sixth floor extension and roof terrace.

Planning permission is sought for external alterations to the form, glazing and cladding of the penthouse flat at fifth floor level. This involves the widening of the floor plate to make more useable floor space and the formation of a balcony to the Wilfred Street frontage.

8. DETAILED CONSIDERATION

8.1 Townscape and Design

The existing fifth floor penthouse flat reflects a mansard form but with glass panelled elevations and a solid roof. It is proposed to replace the existing raked profile with a vertical wall placed close to the existing parapet with openable and fixed glazed panels and opaque and insulated panels. The proposed roof will be no taller than existing, but its form will be slightly more visible, however, this is unlikely to significantly impact upon the appearance of the building or conservation area. It is recommended that details of the over sailing eaves and glazing should be secured by condition. The proposals are therefore considered acceptable in design and conservation terms in accordance with policies DES1 and DES6.

8.2 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.

Two objections have been received from residents within 36 Buckingham Gate on the grounds that the proposal will result in an increased sense of enclosure.

There is existing mutual overlooking between the flats in the application property and 36 Buckingham Gate across a shared lightwell between the two blocks of flats. The proposed new structure will be largely glazed (as existing), but the proposal attempts to resolve existing privacy issues by the creation of a solid wall to the kitchen area in the penthouse which is the nearest part of the penthouse structure to living room windows in 36 Buckingham Gate.

Whilst no increase in height is proposed, a vertical profile is proposed to the elevations. However it is not considered that this will result in any significant loss of light or increased sense of enclosure to surrounding residential properties.

The proposed balcony is on the Wilfred Street elevation. There are existing balconies to flats on the lower floors below that proposed and it is not considered that the proposed balcony will result in any significant overlooking/privacy issues. As such the proposal is considered acceptable in amenity terms and compliant with policies S29 of the City Plan and ENV13 of the UDP.

8.3 Transportation/Parking

The proposal does not raise any significant transportation or parking considerations.

8.4 Economic Considerations

No economic considerations are applicable for a development of this size

8.5 Access

Not applicable

8.6 Other UDP/Westminster Policy Considerations

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

Construction impact

Concern has been raised in relation to noise and disturbance caused during the construction process.

Noise and disturbance during construction is an unwelcome and well understood consequence of allowing new development. In a densely developed urban environment, it must be accepted that such disturbance will inevitably occur as a result of building works. The City Council cannot refuse permission to develop on the grounds that building work will be noisy and disruptive. As a local planning authority, we can impose a restriction on the working hours and encourage contractors to be a member of the Considerate Constructors Scheme. A condition has been added restricting any building work which can be heard at the boundary of the site to between 08.00 and 18.00 Monday to Friday, 08.00 and 13.00 on Saturday and not at all on Sunday's, bank holidays and public holidays. An informative has been added recommending the applicant join the Considerate Constructors Scheme.

9. BACKGROUND PAPERS

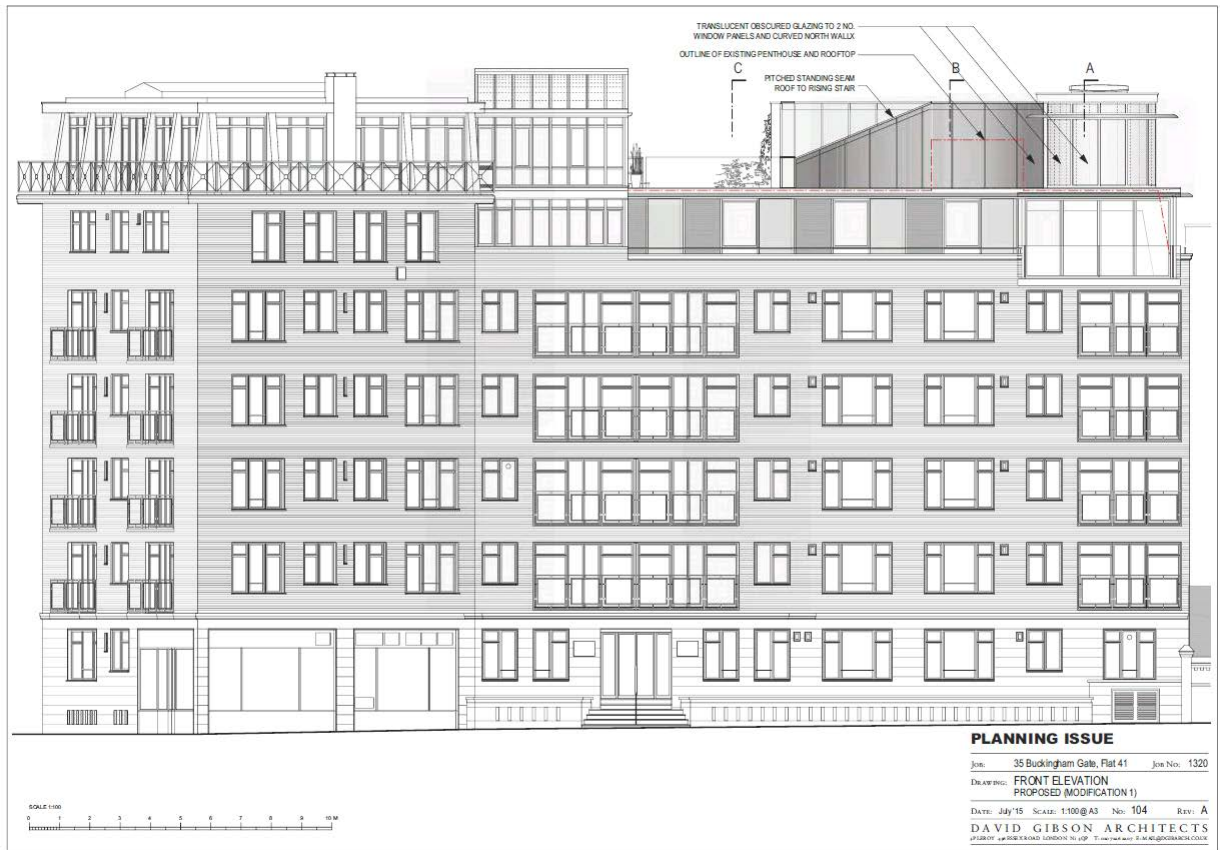
1. Application form
2. Response from Westminster Society, dated 23 February 2016
3. Letter from occupier of Flat 19/B, 36 Buckingham Gate, dated 4 March 2016
4. Letter from occupier of Flat 19B, 36 Buckingham Gate, dated 6 March 2016

Selected relevant drawings

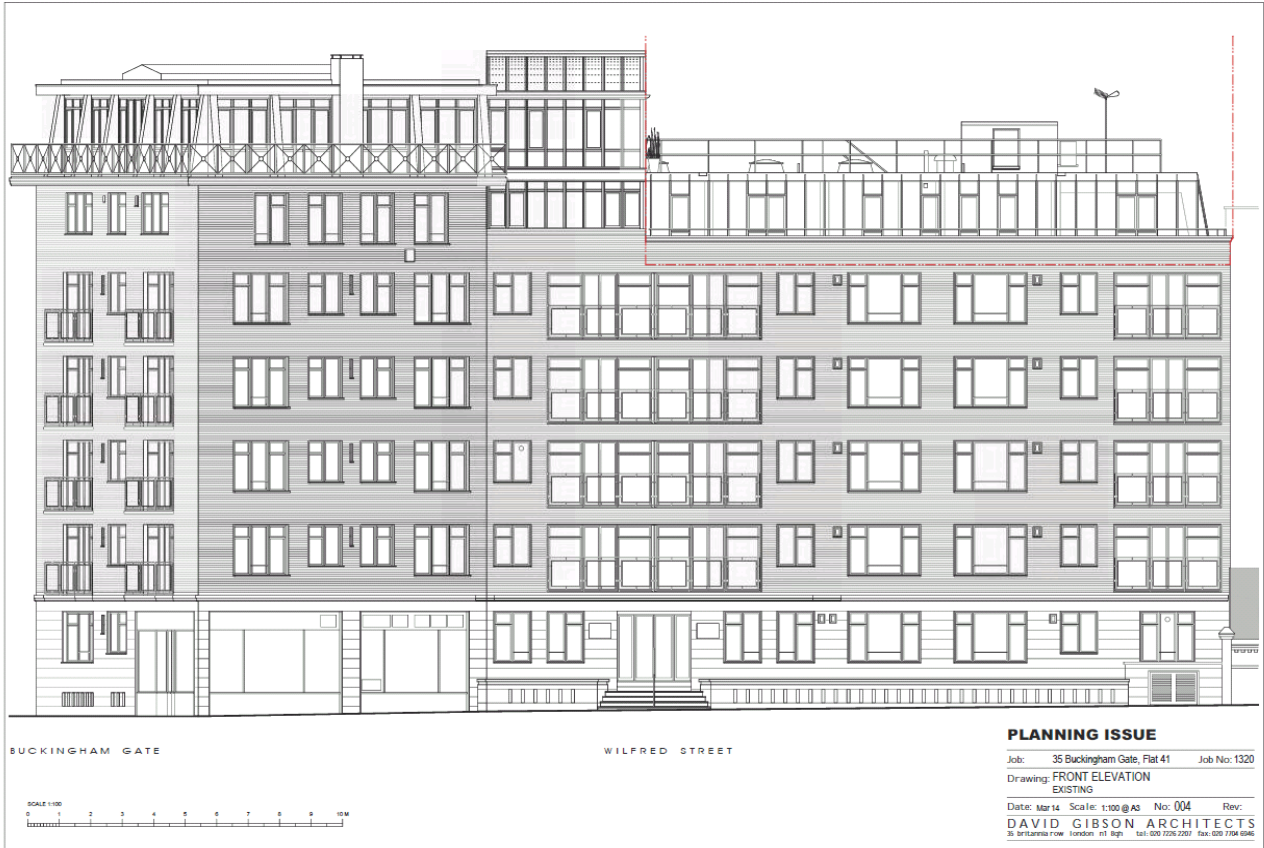
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT SEANA MCCAFFREY
ON 020 7641 1091 OR BY EMAIL AT smccaffrey@westminster.gov.uk

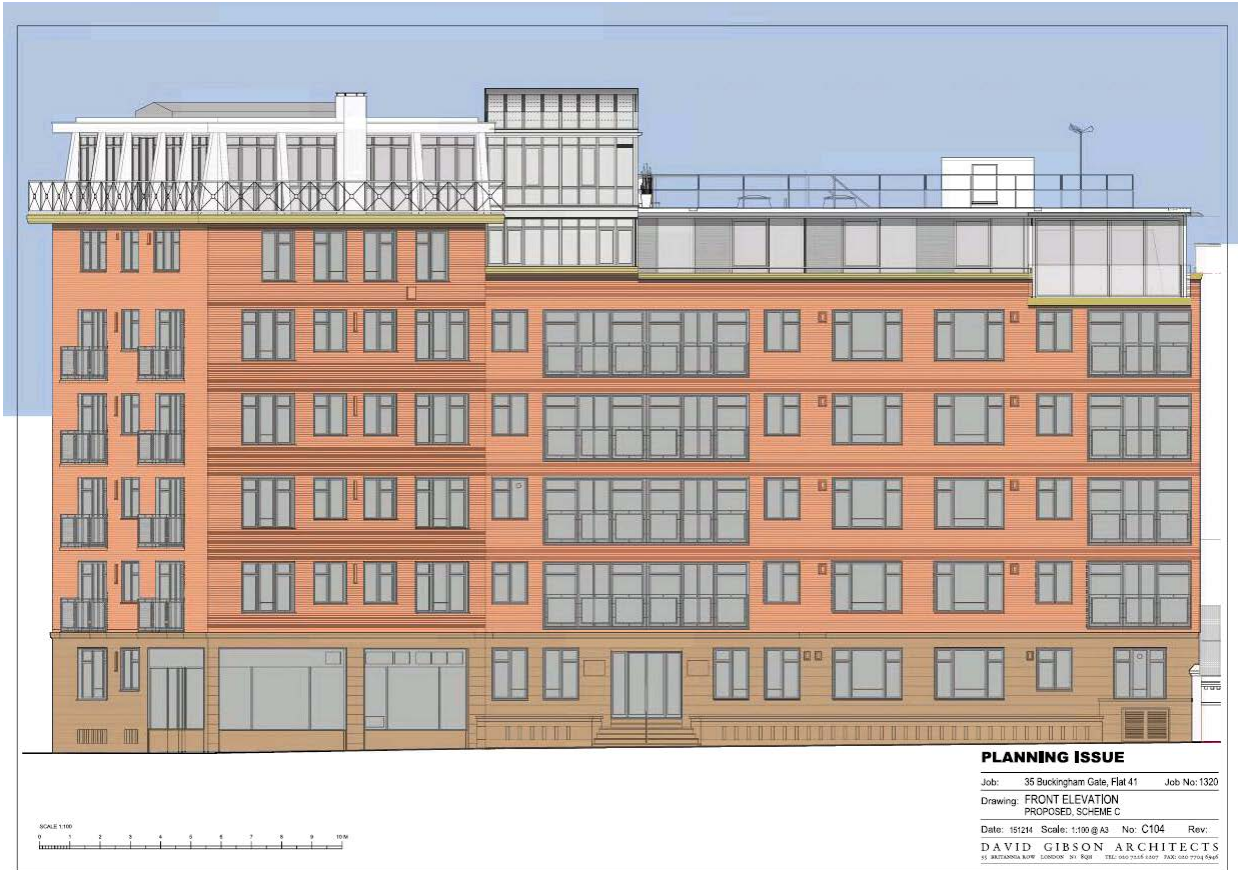
10. KEY DRAWINGS



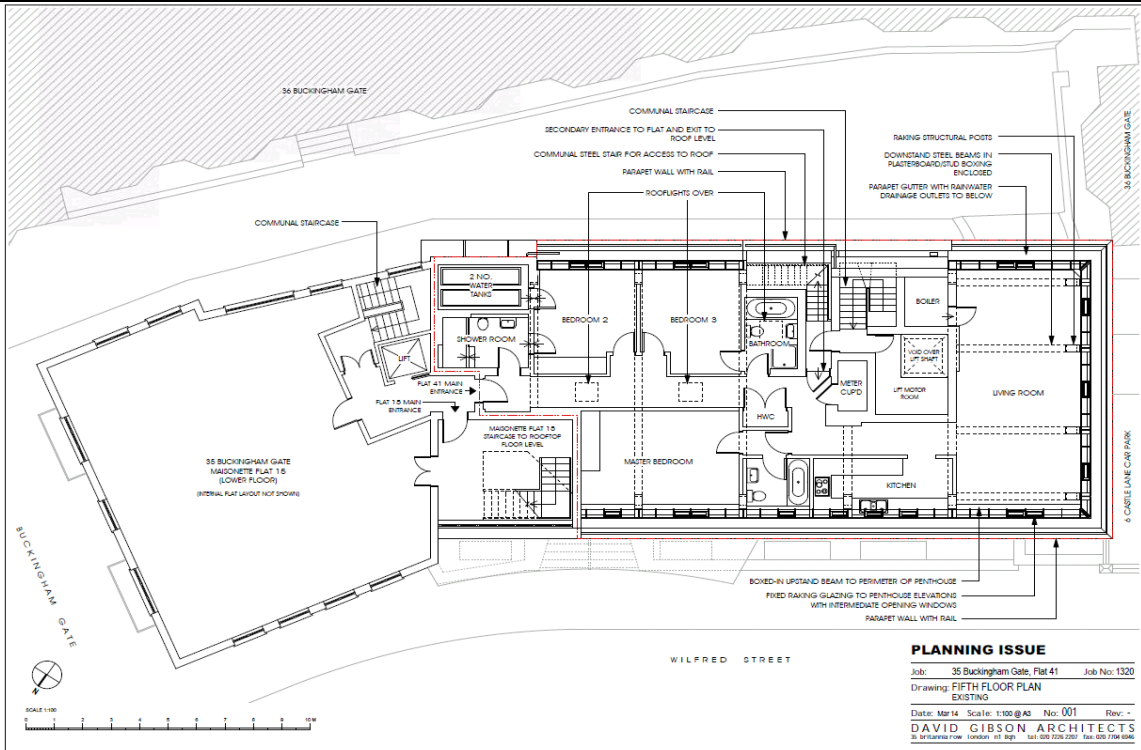
Refused front elevation (RN: 15/08515/FULL)



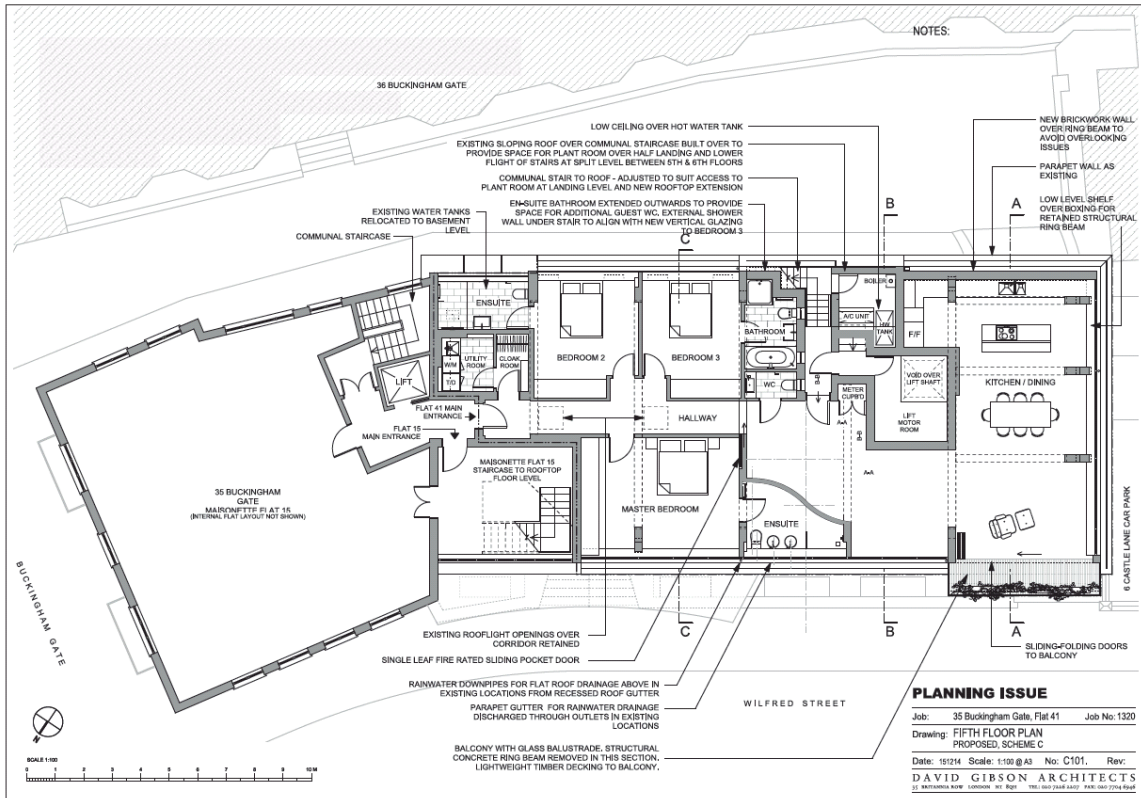
Existing front elevation



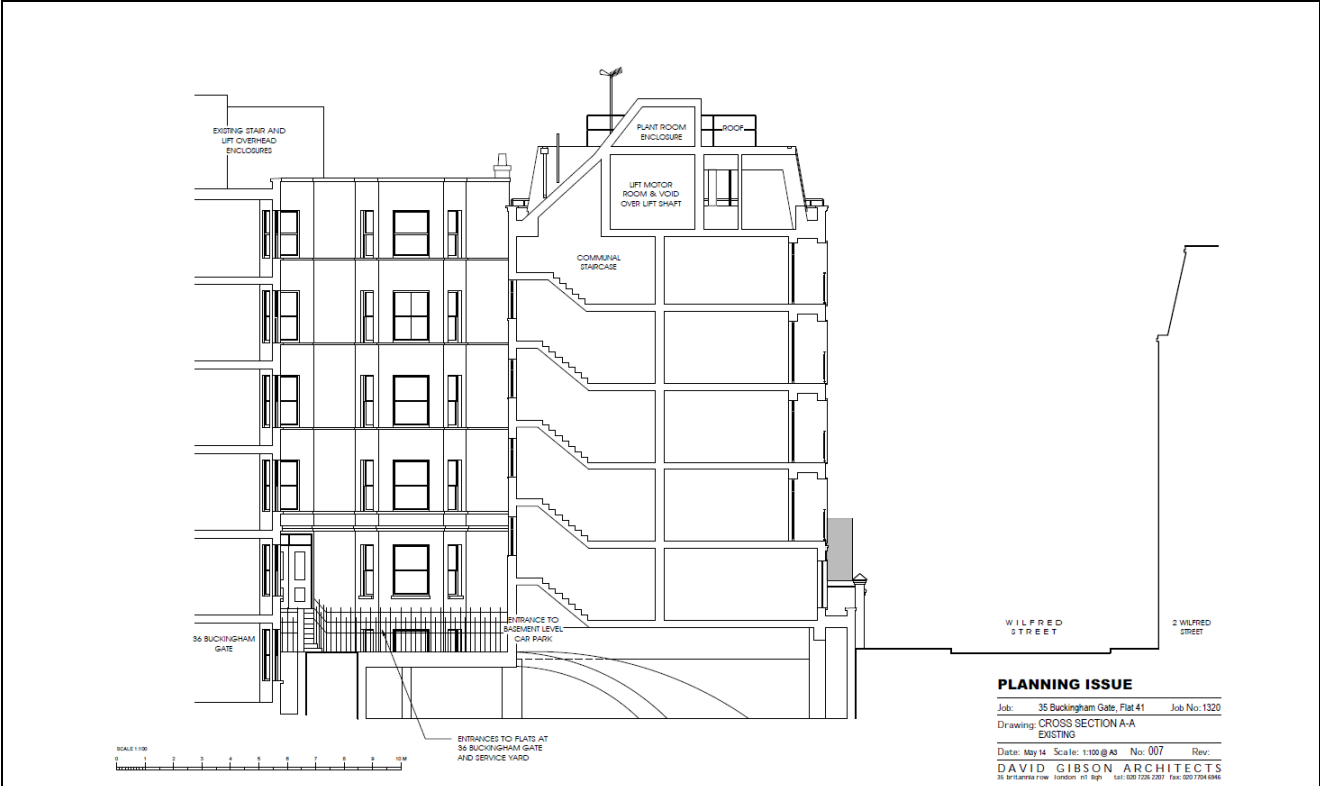
Front elevation current application



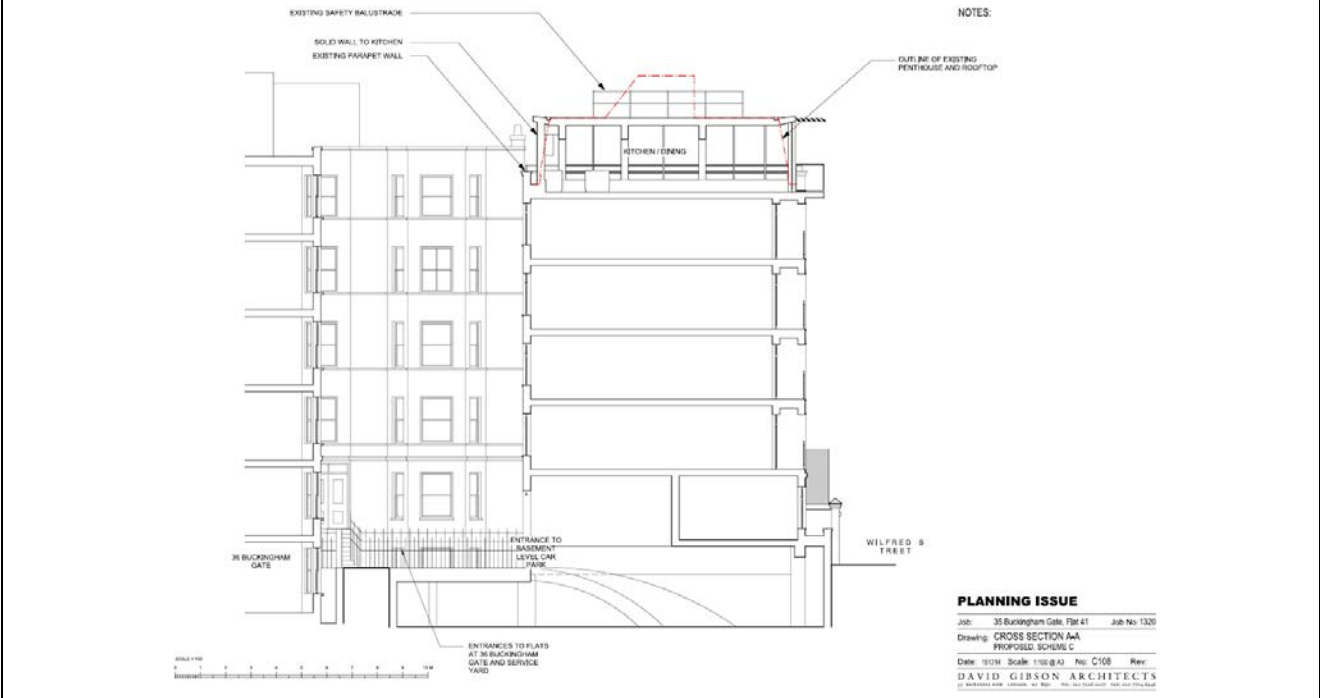
Existing fifth floor plan



Proposed Fifth floor plan



Existing section A-A



Proposed section A-A

DRAFT DECISION LETTER

Address: Penthouse 41, 35 Buckingham Gate, London, SW1E 6PA

Proposal: External alterations to the form, glazing and cladding of the penthouse flat at fifth floor level with the formation of balcony to Wilfred Street frontage.

Plan Nos: Site location plan; No; 000; No 001; No 002; No 003; No 004; No 005; No 006; No 007; No C101; No C103; No c104; No C105; No C106; No C108; No C109; No C110; No C111

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

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 You must carry out any building work which can be heard at the boundary of the site only:

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

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of details of the following parts of the development -

- i) Detailed drawings of the roof in section
- ii) Details of the glazing scaled 1:5
- iii) Details and sample of the materials

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

You must then carry out the work according to these details.

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 Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: 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, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.