

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 10 May 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>8 Sale Place, London, W2 1PH</b>		
<b>Proposal</b>	Variation to Condition 1 (approved plans) of planning permission dated 23 May 2014 (RN: 14/02538) for the erection of a first and second floor rear extension to provide one additional room and living accommodation to existing House in Multiple Occupation (HMO). Installation of metal staircase to existing front lightwell extending from ground floor to basement level and installation of windows at basement level; Namely, attachment of obscure glass screen to the inside of retained railings to rear first floor in association with a terrace to a rear flat roof at first floor level, altered fenestration to the rear and rear flank elevations including the installation of a door at first floor level, and new external brick clad pipe run to rear flank elevation.		
<b>Agent</b>	Mr Chris Georgiou		
<b>On behalf of</b>	Compton Property Investments Ltd		
<b>Registered Number</b>	15/08506/FULL	<b>Date amended/ completed</b>	23 October 2015
<b>Date Application Received</b>	11 September 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

No.8 Sale Place is an unlisted building within the Bayswater Conservation Area, and it is located to a site on the corner of Sale Place and Star Street. The building is currently being extended and refurbished related to previously approved applications, and will remain with a public house use to lower ground and ground floor levels (which until the current works was trading as the 'Rob Roy' public house), and with a House in Multiple Occupation (HMO) use to first, second and third floors.

Permission was previously granted on 23 May 2014 which allowed for the erection of a first and second floor rear extension in association with the existing HMO use to the upper floors, and the installation of a metal staircase to the existing front lightwell and alterations to lower ground floor level windows.

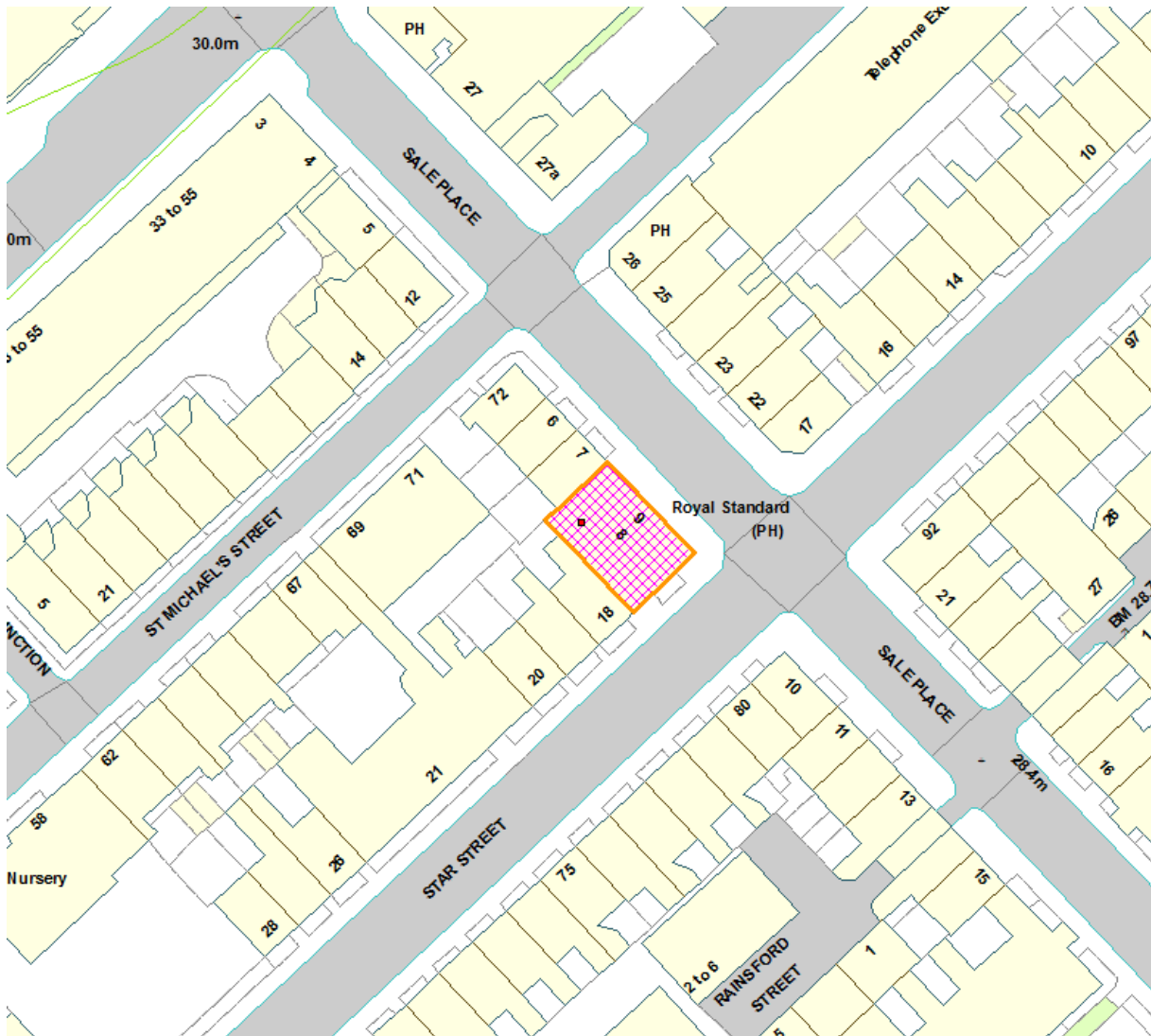
This current application seeks approval for variations to the planning permission of 23 May 2014, including alterations to the design of the new rear extension, which includes a door giving access from the HMO use to a flat roof to be used as a terrace to rear first floor level and with an associated fixing of an obscure glass screen to the inside face of the railings. A new external enclosure to screen pipework on the rear flank elevation is also proposed.

The key issues for consideration are:

- \* The impact of the proposals upon the amenities of neighbouring residents.
- \* The impact of the works upon the character and appearance of the conservation area.

For the reasons set out in the main report, the application is considered acceptable in amenity and design terms. The proposal complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies and is therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### HYDE PARK ESTATE ASSOCIATION

Any comments to be reported verbally.

### ENVIRONMENTAL HEALTH

No objection, on the basis that the plant room has been removed from the application.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 1

No. of objections: 2 letters from 1 address

No. in support: 0

Two objection letters have been received from one resident of Sale Place raising concerns on the following grounds:-

#### Amenity:

- Balconies at first and second floors would adversely affect the privacy of surrounding residents and create noise and disturbance to the detriment of residential amenity.

#### Other:

- Site notices removed from the plastic holders.
- Concern that inappropriate signage may be installed to ground floor level.
- Concern expressed that works have progressed on site without planning permission, and that the work includes two dormer windows to the north facing elevation which could encourage burglars.
- The granting of planning permission would set a precedent for further balconies.
- Reference made to a separate application (15/09620/FULL) for a plant room to roof level and concern expressed about the visual impact and the impact on amenity resulting from this plant room.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

No.8 Sale Place is an unlisted building located within the Bayswater Conservation Area, located at the junction of Sale Place and Star Street. The building is currently vacant and is being extended and refurbished related to previously approved applications, and under which it will remain with a public house use to lower ground and ground floor levels (which until the current works was trading as the 'Rob Roy' public house), and an HMO use to first, second and third floors. The building dates from the earlier part of the 20<sup>th</sup> century and is a principally brick faced building, though with a slate clad mansard roof structure currently in construction to third floor level.

## 6.2 Recent Relevant History

### 14/02538/FULL

Erection of a first and second floor rear extension to provide one additional room and living accommodation to existing House in Multiple Occupation (HMO). Installation of metal staircase to existing front lightwell extending from ground floor to basement level and installation of windows at basement level.

Application Permitted                      23 May 2014

### 14/08909/FULL

Erection of third floor mansard roof extension to provide 3 x additional bedrooms and associated facilities and alterations to elevations including fenestration, all in connection with existing House in Multiple Occupation (HMO) at upper levels.

Application Permitted                      4 November 2014

### 15/09620/FULL

Erection of plant room at roof level.

Application Refused                      29 December 2015

### 15/02859/FULL

Erection of plant room at roof level.

Application Refused                      8 July 2015

## 7. THE PROPOSAL

The approval of 23<sup>rd</sup> May 2014 granted permission for a two storey rear extension at first and second floor levels which extended out to the rear, partially enclosing over a flat roof area above the greater projection of the ground floor level of the building below. The new first and second floor rear elevation was approved to have two sash windows each to first and second floor levels.

This current application for planning permission seeks to vary the approval of 23<sup>rd</sup> May 2014. Under the current proposals, the rear extension will remain with the height and projection as previously approved, though it is now proposed to have a door at first floor level giving access onto the remaining area of flat roof beyond which will be used as a terrace. In addition there will also be two sash windows each to the rear elevation of the extension at first and second floor levels. There are existing and apparently long standing railings around the rear first floor flat roof which are to be retained though with the addition of obscured glazing to their inside face in association with the proposed terrace behind. Minor changes to the arrangement of windows to the rear flank facing (north facing) elevation are also proposed. In addition, the enclosure of pipes which have been installed without permission rising up the rear flank elevation at first and second floor levels with a small GRP structure of brick appearance is also proposed.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposals do not vary the uses within the building which were included in the application previously approved on 23<sup>rd</sup> May 2014.

This previous approval allowed for the relocation of a kitchen in use by the public house at first floor level down to lower ground floor level, though otherwise retained the public house at lower ground and ground floors and the HMO use to the upper floors. The current application proposals also relate to a terrace to rear first floor level associated with the HMO use, amenity issues related to which are considered separately below.

## 8.2 Townscape and Design

The new arrangement to the rear elevation of the rear extension is for a door to first floor level in a traditional design and for two sash windows each to first and second floor levels. This arrangement differs little in overall appearance from the previously approved scheme or from the original rear elevation, and as such this work is considered uncontentious. The proposed re-arrangement of windows to the north facing rear flank elevation is a minor change to the appearance of the building and as such is considered uncontentious.

There is no planning history apparent to suggest when the existing railings around the rear flat roof area were installed, however they appear from an on-site inspection to be a long standing addition to the building. In association with the proposed terrace use to rear first floor level, the application seeks to install obscure glazing fixed to the inside of the railings to protect the privacy of surrounding occupiers. Though a material of modern appearance, its appearance will be screened to some degree by the existing railings and it will be seen in context with a much larger rear elevation behind, and as such the obscure glazed screen will not adversely affect the appearance of the building.

Without permission, pipework has been installed to the north facing flank/rear elevation which rises up from first floor level to roof level. These are proposed to be retained, however to improve their appearance a small GRP enclosure of brick appearance will be erected around them. Though GPR is a modern material, used for a small enclosure to this discreet section of the rear of the building it is considered acceptable, and a condition will ensure that it harmonises with the brickwork to the main rear elevation adjacent.

Concern was expressed by an objector that inappropriate signage may be installed to ground floor level, however any such signage would be considered separately under the advertisement regulations, and an informative is added advising of that any advertisements desired may require a further submission of an application for advertisement consent.

The drawings appear to show a change to the mansard structure at third floor level, though this is not referred to on the description of development for this application and nor were any changes included on the scheme approved on 23 May 2014 which this application seeks to vary. For the avoidance of doubt, a condition is recommended making clear that this approval would not relate to works to the mansard.

Given the above, the works proposed are considered to be acceptable in design and conservation terms and would accord with Policies DES1, DES5 and DES9 in the UDP and S25 and S28 in the City Plan.

### 8.3 Residential Amenity

#### Privacy / Noise and Disturbance

Policies ENV13 of the UDP and S29 of the Westminster City Plan seek to safeguard and protect the amenity of neighbouring occupiers, with regard to outlook, daylight and privacy. An objection has been received from the occupier of no. 6 Sale Place to the proposals on grounds that the balconies at first and second floors would adversely affect the privacy of surrounding residents and create noise and disturbance to the detriment of residential amenity. The reference to a balcony at second floor level in this objection relates to a separate unauthorised balcony structure at second floor level which does not form part of these application proposals, and the City Council's Planning Enforcement Team are aware of the issue. A terrace area at rear first floor level is however included within the development proposed in this application submission.

Prior to the approval of 23<sup>rd</sup> May 2014, this roof area at rear first floor level comprised an irregularly shaped area but which at its maximum size was 7m in length and 3.8m in width. It was accessed by two doors, one from the kitchen to the public house at first floor level and one from a staircase landing. The roof itself incorporated several structures such as a pitched rooflight to its northern-western end and a separate raised flat rooflight structure in the form of a walk on pavement light, though some sizeable areas were apparently flat and were directly accessed by doors to the rear elevation from the building, most notably from the kitchen of the public house. This rear roof area was surrounded to all open sides by railings. In the approval of 23<sup>rd</sup> May 2014 no doors were shown as opening out onto this area, though its size was reduced to 4.9m in length by 1.5m in width due to the rear extension approved.

This current application seeks to reintroduce a door to the rear elevation at first floor level, and the roof area beyond which is enclosed by the railings will be flat. The building to the immediate west (no. 18 Star Street) has its staircase windows in closest proximity to the terrace however these are little more than 1-2m away from the terrace. The building to the immediate north (no. 7 Sale Place) has rooms at floor level in closest proximity (of unknown usage) and these are approximately 2-3m away to the north side of a projecting chimney stack to the rear elevation of no. 7.

In terms of the potential for overlooking to surrounding residential properties, the application seeks to install an obscure glass screen to each side of the terrace set directly behind the railings. This will be of sufficient height to ensure that there will be no direct overlooking out from this terrace to adjoining residential windows, and is seen in the context of the previous situation where access was freely available from the kitchen of the public house and also apparently from the communal staircase to the HMO use onto this rear roof area and the views were not obscured. As such, with the installation of obscure glass panels fully blocking the view out from the terrace, the proposals are not considered to give rise to an unacceptable impact in terms of overlooking to surrounding neighbours.

It is recognised that the terrace is in some close proximity to surrounding residential occupiers, and that the use of the terrace could give rise to issues of noise and disturbance, nonetheless the terrace is small in size, and again is seen in context with the terrace character of this area prior to the commencement of works on the approval of 23<sup>rd</sup> May 2014.



Its relatively small size would limit any significant potential for noise and disturbance due to the limited number of people which would be able to use the terrace at any one time. As such, the proposals are not considered to give rise to an unacceptable impact in terms of noise and disturbance to surrounding neighbours.

### **Sunlight and Daylight / Sense of Enclosure**

In terms of the impact upon the amenity of the surrounding neighbouring residential properties, the new obscure screens will give a more solid impression to the rear first floor level of the building in contrast to the existing railings which by their nature have a visual permeability, however this obscure glazed structure does not rise above the height of the railings and is seen in close proximity with the much larger bulk of the building behind, and as such the works are not considered to have an adverse impact upon the amenity of surrounding residential occupiers.

To the top of their finials the existing railings rise up to in line with the top level of the windows to rear first floor level and the top bar from which the finials rise is approximately 1.4m above the height of the top of the rear parapet. The rear parapet around this roof is in itself approximately 0.5m in height. As set out above, to ensure the privacy of surrounding residential occupiers an obscured glass screen is proposed to be installed to the height of the top bar.

The installation of an obscure glazed screen up to approximately the top of the rear first floor windows will have an impact upon the residential amenity of users of the internal room adjacent within the application property, however this area is to be used as a kitchen for the HMO use, and as such, and particularly given that the obscure glazing will still permit some level of daylight through, it is not considered that the impact upon the residential amenity of the HMO use from the installation of the obscure glazed screen would be sufficient to withhold permission.

The amenity implications of the two storey rear extension itself were considered under the previously approved application, and there have been no changes in policy or guidance since the approval date of 23<sup>rd</sup> May 2014 which would suggest any change to the consideration that the extension will not adversely affect the amenity of adjoining residential properties.

Given the above, it is considered that the proposed scheme is acceptable in amenity terms and would accord with Policy S29 in the City Plan and Policy ENV 13 in the UDP.

### **8.4 Transportation/Parking**

The works proposed in this application will not have an impact upon transportation or parking issues.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## 8.6 Access

This application does not seek to alter the access arrangements into or around the property.

## 8.7 Other UDP/Westminster Policy Considerations

### Plant

The application had formerly shown a proposal for plant to roof level of the building, though this has since been removed from the application drawings. Environmental Heath were consulted on the application and note the removal of the initially submitted plant from the application, and note that they therefore have no objections to the proposals.

### Other

A concern was raised from an objector that the granting of planning permission would set a precedent for further balconies. Each application however must be considered on its merits, and as such this concern is not considered sustainable.

## 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

Environmental Impact issues are not relevant in the determination of this application.

## 8.12 Other Issues

Concern was raised from the objector regarding the removal of the site notices from their plastic sleeves. Further site notices were issued in response to this however, and no further concerns on this ground have been received.

Concern was also raised from the objector with regards to unauthorised works having taken place to the application building, particularly in relation to the north facing dormers installed to the third floor level mansard and to a plant room installed above the mansard. The concerns related to the visual impact of this work, the noise emitted from the plant, and also related to a concern of the impact of the dormer windows in terms of a perceived encouragement of burglary. The works referred to however do not form part of these current application proposals and the concerns raised are therefore not relevant to this current application submission. The City Council's Planning Enforcement Team are aware of the issues related to unauthorised works to roof level.

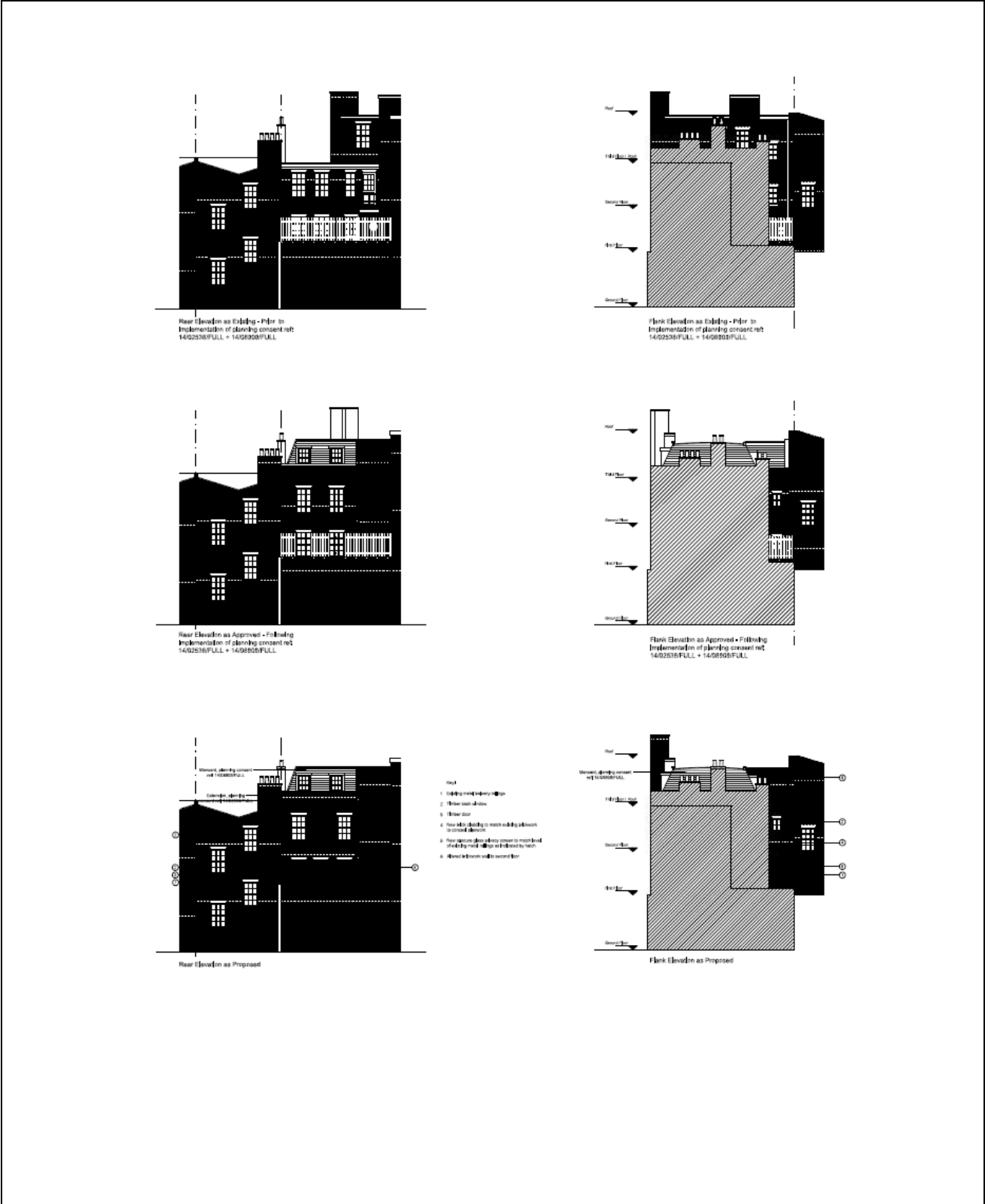
## 9. BACKGROUND PAPERS

1. Application form.
2. Memorandum from Environmental Health dated 04.11.2015.
3. Letters from occupier of 6 Sale Place dated 11.11.2015 and 16.11.2015.

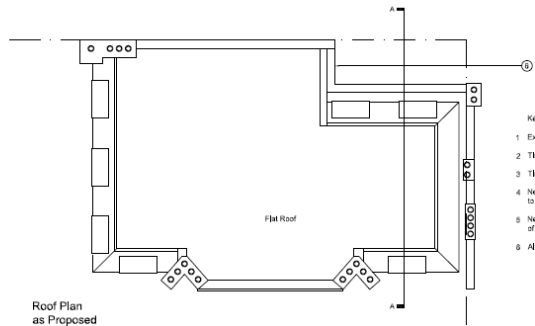
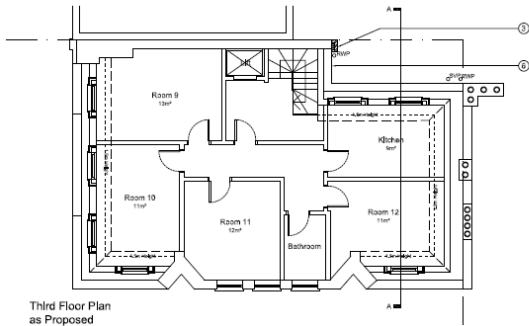
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ALISTAIR TAYLOR ON 020 7641 2979 OR BY EMAIL AT [NorthPlanningTeam@westminster.gov.uk](mailto:NorthPlanningTeam@westminster.gov.uk)

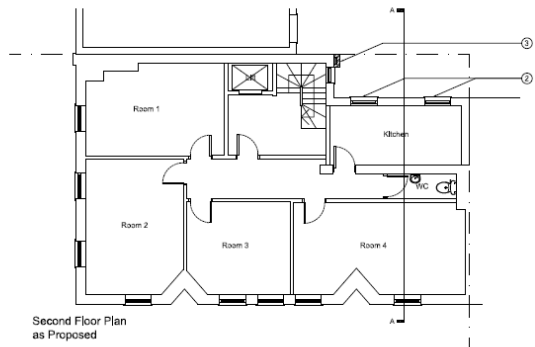
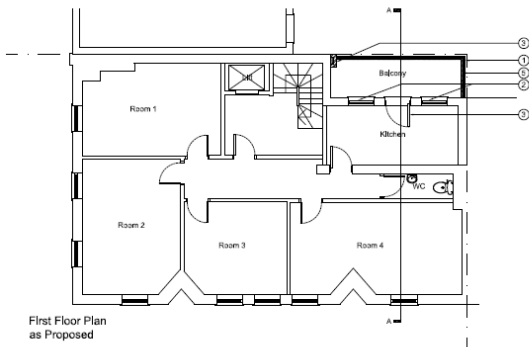
### 10. KEY DRAWINGS



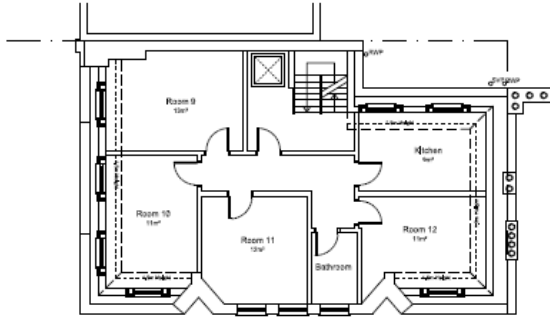
### As Proposed Drawings



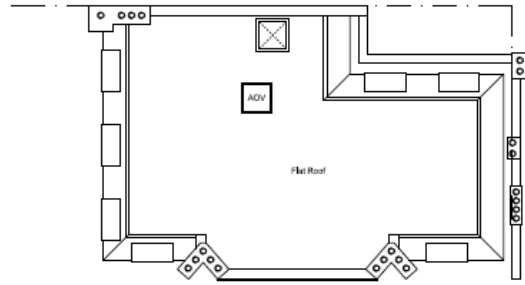
- Key:
- 1 Existing metal balcony railings
  - 2 Timber sash window
  - 3 Timber door
  - 4 New brick cladding to match existing brickwork to conceal pipework
  - 5 New obscure glass privacy screen to match level of existing metal railings
  - 6 Altered brickwork wall to second floor



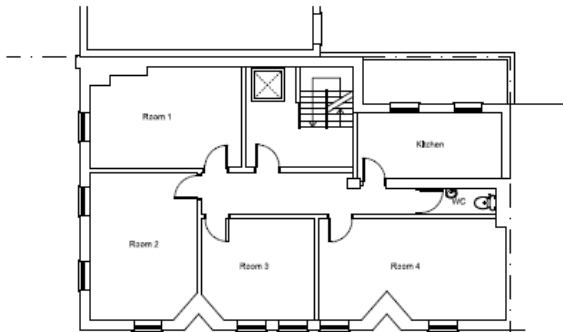
**As Approved Drawings**



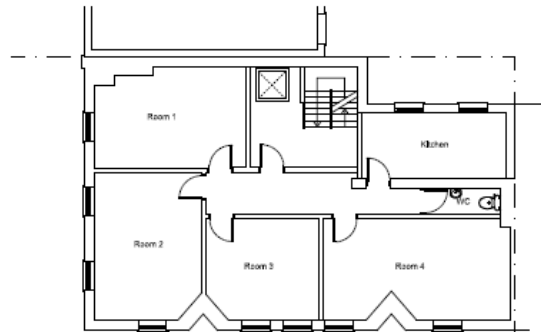
Third Floor Plan  
as Approved



Roof Plan  
as Approved

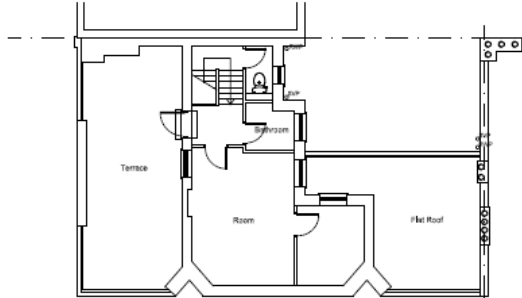


First Floor Plan  
as Approved

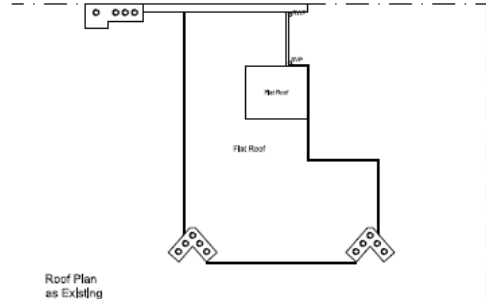


Second Floor Plan  
as Approved

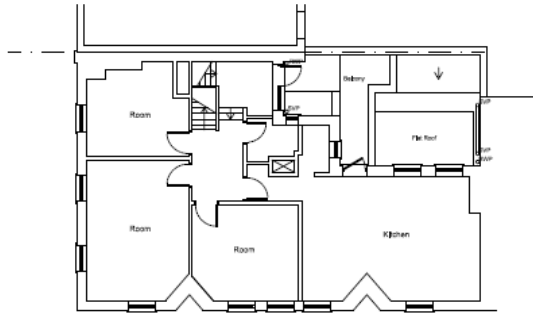
**As Existing Drawings**



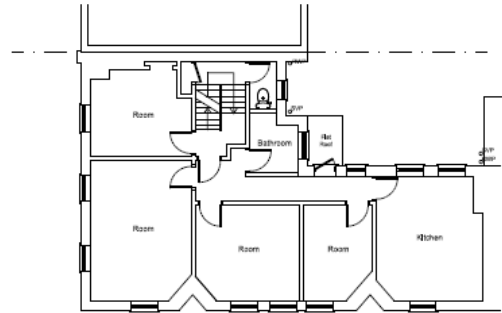
Third Floor Plan  
as Existing



Roof Plan  
as Existing



First Floor Plan  
as Existing



Second Floor Plan  
as Existing

**DRAFT DECISION LETTER**

**Address:** 8 Sale Place, London, W2 1PH,

**Proposal:** Variation to Condition 1 of planning permission dated 23 May 2014 (RN: 14/02538) for the erection of a first and second floor rear extension to provide one additional room and living accommodation to existing House in Multiple Occupation (HMO). Installation of metal staircase to existing front lightwell extending from ground floor to basement level and installation of windows at basement level; Namely, attachment of obscure glass screen to the inside of retained railings to rear first floor in association with a terrace to the rear elevation at first floor level, altered fenestration to the rear and rear flank elevations including the installation of a door at first floor level, and new external brick clad pipe run to rear flank elevation

**Reference:** 15/08506/FULL

**Plan Nos:** 901/51-# location plan, 901/73-A, 901/71-#, 901/72-#, 901/74-A, photograph of door to rear elevation

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

**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 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 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 Bayswater 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)

- 4 The facing brickwork to the new rear extension must match the existing original work adjacent in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater 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)

- 5 No additional structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be erected on the roof terrace hereby approved.

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: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 6 You must apply to us for approval of detailed drawings (min 1:10) of the obscured glazed panel (including method of fixing, height and relationship to adjacent railings) and also a sample of the obscure glass at size at least 300mm x 300mm.

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: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 7 The privacy screens surrounding the rear first floor terrace shall be installed prior to the occupation of the HMO and in the form shown on the drawings hereby approved and as approved under the details provided for condition 6, and the screens shall not be removed thereafter.

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 Bayswater 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)

- 8 Notwithstanding the annotations on drawings 901/74A and 901/73A, this decision does not grant consent for the alterations to the mansard at third floor level, including the creation of a brick elevation to the north facing elevation of third floor level as shown to drawings 901/74A and 901/73A or any other alterations to third floor level aside from the pipe run enclosure (details of which are to be secured under condition 10 of this approval).

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 Bayswater 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)

- 9 The pipework to the north facing side elevation of the building shall be encased to its full height and to all sides by GRP cladding which shall match the appearance of the colour, facebond and pointing of the existing brickwork adjacent, and the cladding shall be installed to the form shown on the drawings prior to the occupation of the flats and shall be retained in-situ thereafter

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 Bayswater 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)

- 10 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:- Pipe run and surrounding enclosure amended to accommodate works to the third floor level being removed from this application (as required by condition 8 of this decision)

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

You must then carry out the work according to the approved drawings. (C26UB)

**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 Bayswater 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)

- 11 Notwithstanding the annotations on drawing 901/74A, the north facing rear flank elevation shall not include a window or door facing onto the rear first floor flat roof from the ground to first floor level staircase

**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 Bayswater 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)

- 12 This permission must be commenced no later than 23 May 2017

**Reason:**

This permission authorises amendments to the original planning permission granted on 23 May 2014 (RN 14/02538/FULL) which must be commenced no later than the above date.

**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.

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.

- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)