

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 June 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>	5 - 6 St Matthew Street, London, SW1P 2JT,		
<b>Proposal</b>	Continued use of building as office (Class B1). Installation of new ground floor frontage and one additional window to rear lightwell.		
<b>Agent</b>	21st Architecture		
<b>On behalf of</b>	Michael Goletta		
<b>Registered Number</b>	16/03535/FULL	<b>Date amended/ completed</b>	25 April 2016
<b>Date Application Received</b>	19 April 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Broadway And Christchurch Gardens		

## 1. RECOMMENDATION

Refuse permission – loss of residential units

## 2. SUMMARY

5 - 6 St Matthew Street is a five storeys building dating from the 1980s. The lawful use comprises a garage and entrance foyer at ground floor level, offices at first and second floor levels and two residential flats at third and fourth floor level.

The applicant seeks retrospective planning permission for the continued use of the building as office use, a new ground floor frontage and one additional window to the rear lightwell. The applicant has stated that the change of use of the third and fourth floors occurred prior to his ownership of the site around 2010 and he seeks to regularise the situation.

The main issues for consideration are:

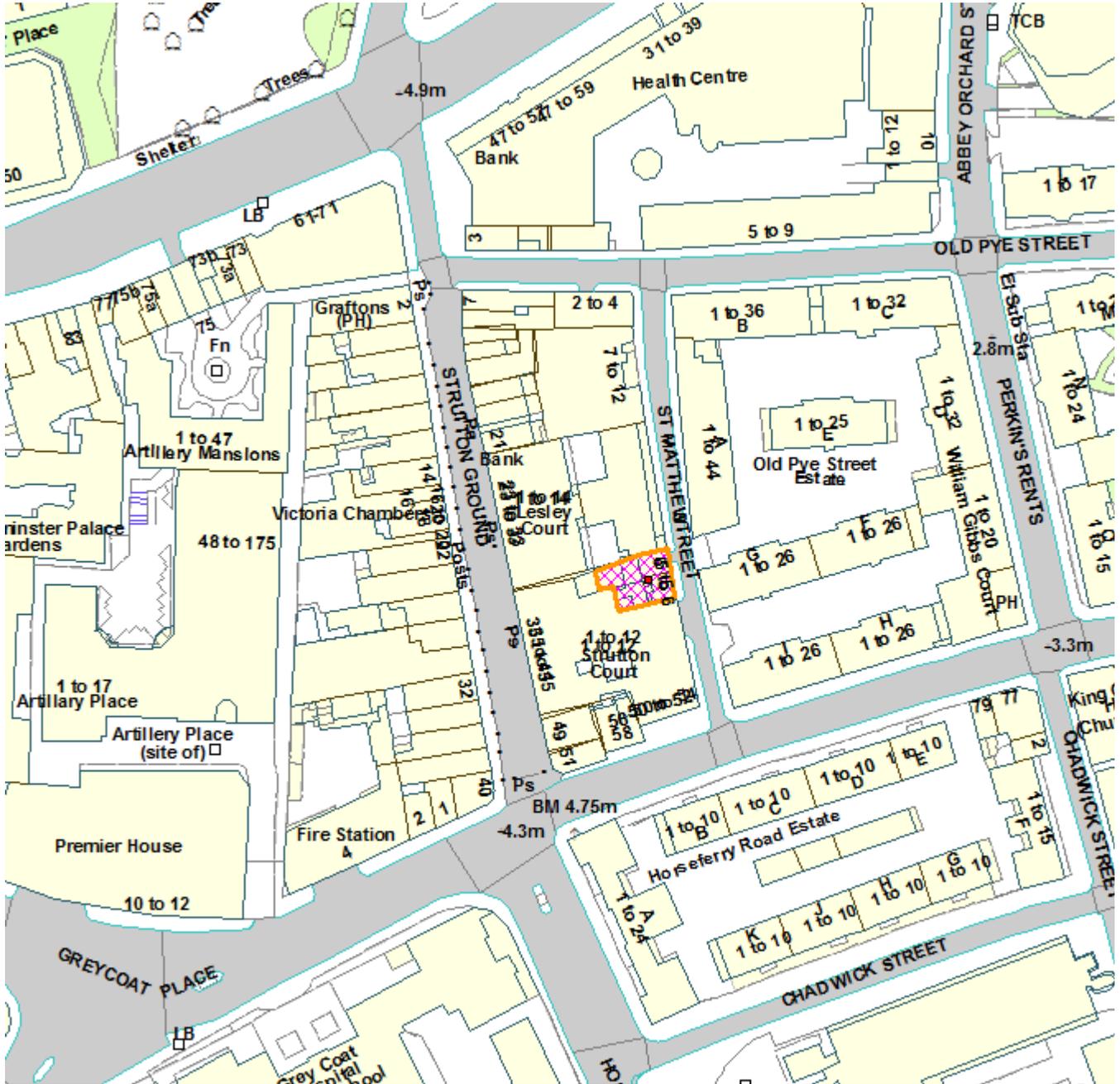
- The acceptability of the proposals in land use terms;
- The impact of the external alterations on character and appearance of the building and the conservation area; and
- The impact of the proposed use and external alterations on the amenity of neighbouring residents.

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The proposal is not considered to comply with the Council's policy in relation to protecting existing residential uses and optimising housing delivery as set out in S14 of Westminster's City Plan: Strategic Policies (City Plan) and the application is recommended for refusal for this reason.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

WESTMINSTER SOCIETY:  
No objection.

THORNEY ISLAND SOCIETY:  
No objection.

HIGHWAY PLANNING MANAGER:  
Objection - loss of residential off-street car parking spaces.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 56  
No. replies: 2 (from one neighbour)

Objections have been received from a neighbouring resident to the rear on the following grounds:

#### Amenity

- New window in the rear lightwell would allow for overlooking;
- The fire escape could be used as an amenity space causing overlooking to Lesley Court, Strutton Ground

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

5 - 6 St Matthew Street is a five storeys building dating from the 1980s. The lawful use comprises a garage and entrance foyer at ground floor level, offices at first and second floor levels and two residential flats at third and fourth floor level.

The building is unlisted and lies within the Broadway and Christchurch Gardens Conservation Area. The property is outside the Core Central Activities Zone.

### 6.2 Recent Relevant History

07/05282/FULL

Erection of rear extension at ground, first, second and third floor level, conversion of upper floors to form five self-contained flats and office at ground floor level.

Application Permitted 4 September 2007

## 7. THE PROPOSAL

The applicant seeks retrospective planning permission for the continued use of the building as office a new ground floor frontage and one additional window in the rear

lightwell at ground floor level. The applicant has stated that the use of the third and fourth floors began around 2010, prior to his ownership of the site.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The change of use has resulted in the loss of two residential units, amounting to 177sqm of residential floorspace. Policy H1 of the UDP and S14 of Westminster's City Plan 'Strategic Policies' states that all residential uses, floorspace and land will be protected. The loss of the residential units is therefore contrary to this policy.

The applicant has argued it is impractical to have a building in mixed use, and the residential units were of a poor standard. The City Plan promotes mixed uses. The units were 2-bed, measuring approximately 59sqm each (which only falls just below the national space standards for a 2-bed unit of 61sqm), with good levels of light and outlook. The units were therefore considered to provide a satisfactory level of accommodation and it is therefore recommended that the application be refused on this basis.

### **8.2 Townscape and Design**

Policy DES 5 of the UDP and S28 of the City Plan aim to ensure the highest standards of design in alterations and extensions. Policy DES 9 of the UDP and S25 of the City Plan aim to preserve or enhance the character or appearance of conservation areas.

The external alterations include changes to the ground floor and seek to introduce three comparable shop frontages with full height glazing with fascia panels above. It is considered that these changes would improve the frontage of the property and therefore enhance the character and appearance of the conservation area.

The installation of a new window at rear ground floor level is not opposed on design grounds.

### **8.3 Residential Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Concern has been raised from a neighbouring resident to the rear regarding an increased potential for overlooking as a result of the proposal. A new opening is proposed at ground floor level to the rear. This opening would be to a lightwell area and would not allow for overlooking of neighbours. No other openings or balconies are proposed, however, the existing fire escape would remain. The objector is concerned that this fire escape could be used as an amenity space by occupiers of the building, thereby allowing harmful overlooking of neighbours. Had permission been recommended for approval a condition

could have been attached to ensure that users of the building only use the fire escape for emergencies and not as an amenity space.

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

##### **Car Parking:**

The garage (which provides space for two cars) would no longer be provided. Policy TRANS 22 of the UDP states that offices should have a maximum of one space for each 1,500sqm of floorspace. The office would have a floorspace of approximately 316sqm. The provision of no off-street parking would therefore be compliant with TRANS 22. However, the Highway Planning Manager has objected to the proposal on the grounds of policy TRANS 23 which resists the loss of any existing off-street residential car parking spaces.

It is not clear whether the car parking spaces have been used in connection with the office or the residential units prior to the unauthorised change of use. However, planning permission dated 4 September 2007 (RN: 07/05282/FULL) approved five residential units within the building with no residential off-street parking. Were permission to be granted, there would be no residential floorspace within the building and it is not therefore considered reasonable or practical to require residential car parking spaces be retained within a development in which there would be no residents.

##### **Cycle Parking:**

The London Plan policy 6.9, as outlined in table 6.3, requires 1 cycle parking space per 90 sqm for office uses. This would equate to 4 cycle parking spaces. The applicant has stated that 4 cycle spaces would be provided, but no detail has been provided. If the application was considered acceptable in all other respects, details of this provision could be secured by way of condition.

##### **Servicing:**

It is not considered that the development would generate a notable increase in servicing over the pre-existing arrangement. The largest regular service vehicle expected to be associated with the proposed development is the refuse collection vehicle. This would service the site in a similar fashion to nearby properties.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

All floors are accessible by a lift.

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

##### **Refuse /Recycling:**

The applicant has provided no details of waste storage. Waste stored on the public highway awaiting collection creates an obstruction to pedestrians and other highway

users contrary to TRANS 3. If the application was considered acceptable in all other respects, details of waste storage could be secured by way of condition.

### **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 for a development of this scale.

### **8.12 Other Issues**

Not applicable.

## **9. BACKGROUND PAPERS**

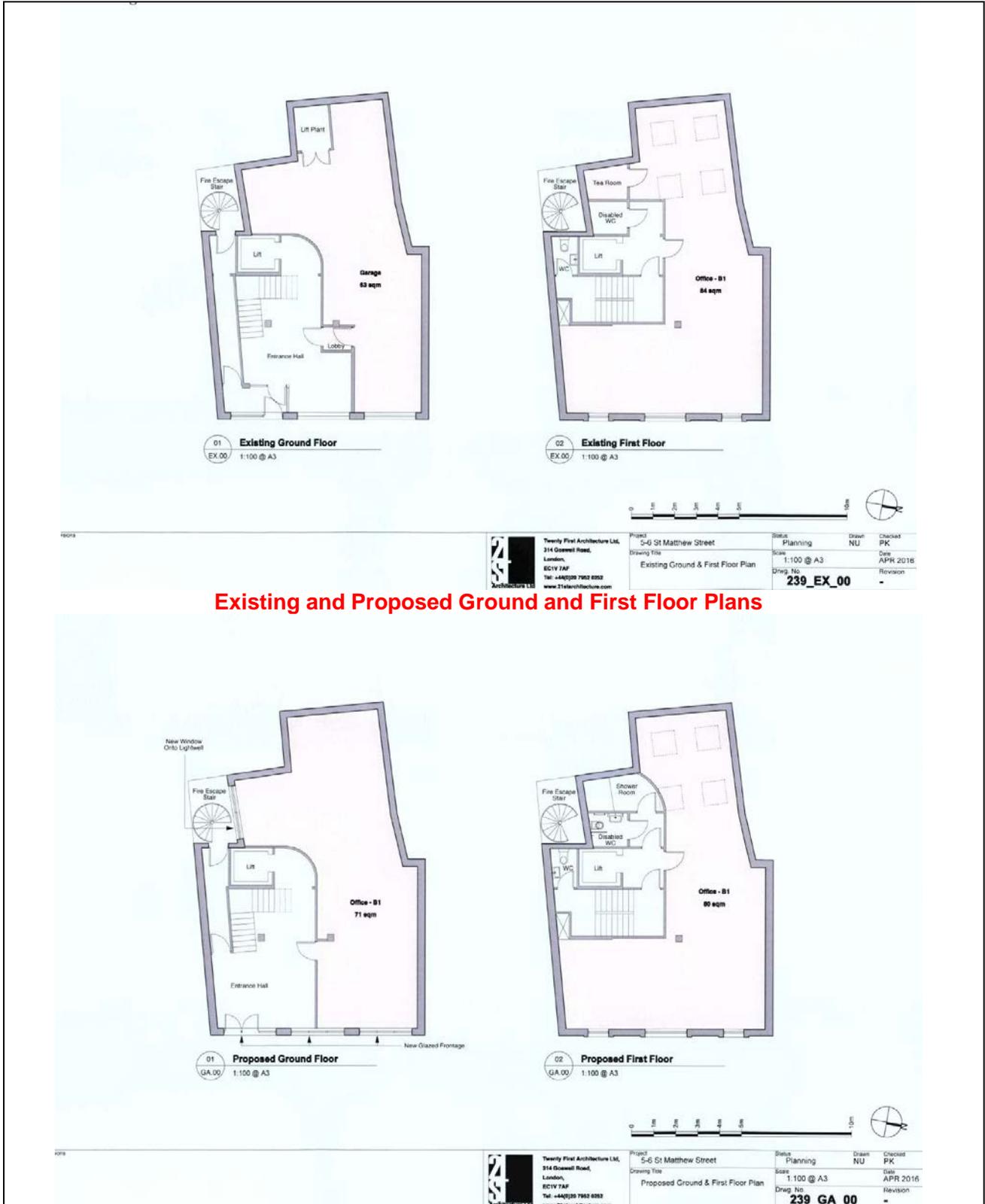
1. Application form
2. Response from Thorney Island Society, dated 3 May 2016
3. Response from Westminster Society, dated 10 May 2016
4. Internal memorandum from the Highways Planning Manager, dated 14 June 2016
5. Letter from occupier of Flat 4, Lesley Court, Strutton Ground, dated 8 May 2016
6. Letter from occupier of Flat 4, Lesley Court, Strutton Ground, dated 10 May 2016

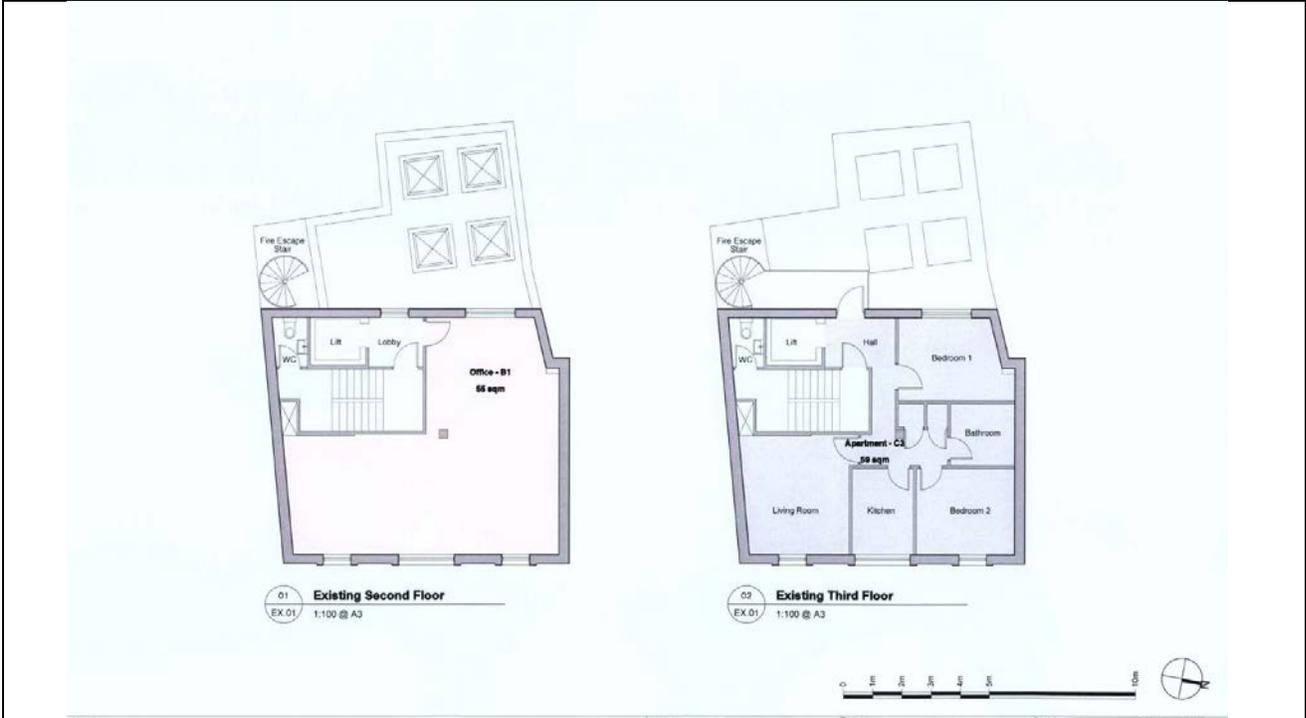
### **Selected relevant drawings**

(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 JULIA ASGHAR ON 02076412518 OR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

10. KEY DRAWINGS



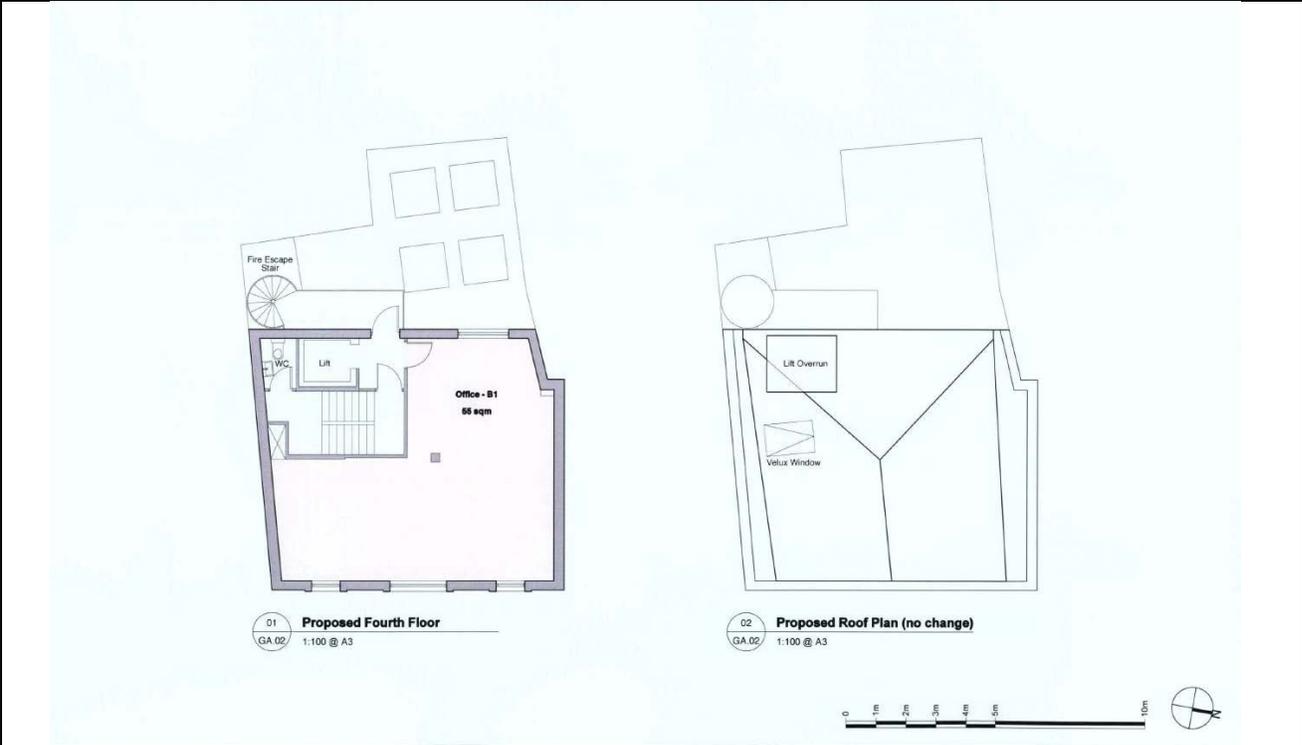


**Existing and Proposed Second and Third Floor Plans**



	<b>Twenty First Architecture Ltd,</b> 314 Goswell Road, London, EC1V 7AF Tel: +44(0)20 7952 0252 www.21starchitecture.com	Project: 5-6 St Matthew Street Drawing Title: Existing Second & Third Floor Plan Drwg. No: <b>239_EX_01</b>	Status: Planning Scale: 1:100 @ A3 Drwg. No: <b>239_EX_01</b>	Drawn: NU Checked: PK Date: APR 2016 Revision: -
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01 Proposed Fourth Floor  
GA 02 1:100 @ A3

02 Proposed Roof Plan (no change)  
GA 02 1:100 @ A3



visions



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www.21starchitecture.com

Project	5-6 St Matthew Street	Status	Planning	Drawn	Checked
Drawing Title	Proposed Fourth Floor & Roof Plan	Scale	1:100 @ A3	NU	PK
Drawn No		Date	APR 2016		
Revision		Drawg No	239_GA_02		

**Existing and Proposed Fourth Floor and Roof Plan**



01 Existing Fourth Floor  
EX 02 1:100 @ A3

02 Existing Roof Plan  
EX 02 1:100 @ A3

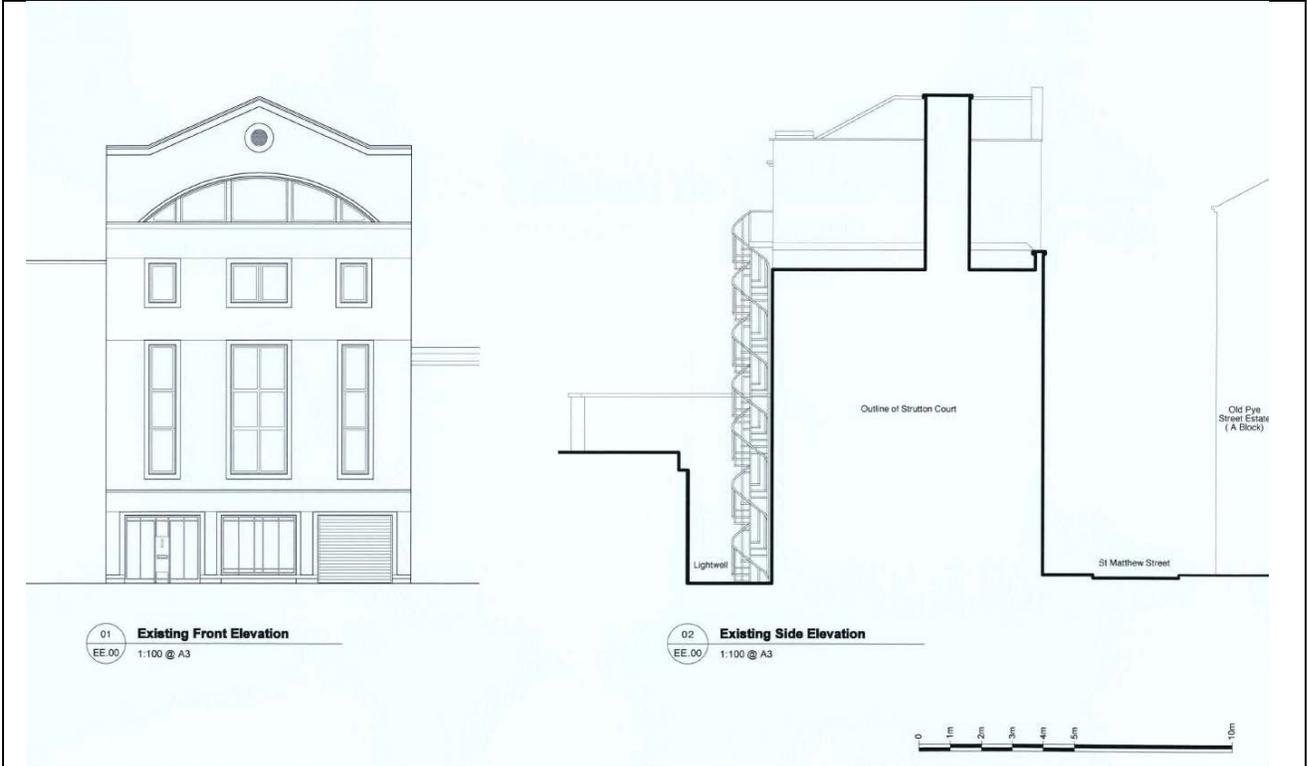


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Project	5-6 St Matthew Street	Status	Planning	Drawn	Checked
Drawing Title	Existing Fourth Floor & Roof Plan	Scale	1:100 @ A3	NU	PK
Drawn No		Date	APR 2016		
Revision		Drawg No	239_EX_02		



01 Existing Front Elevation  
EE.00 1:100 @ A3

02 Existing Side Elevation  
EE.00 1:100 @ A3



Revisions



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Project: 5-6 St Matthew Street  
Drawing Title: Existing Front & Side Elevation

Status: Planning	Drawn: NU	Checked: PK
Scale: 1:100 @ A3	Date: APR 2016	Revision: -
<b>239_EE_00</b>		

**Existing and Proposed Front and side Elevations**



01 Proposed Front Elevation  
GE.00 1:100 @ A3

02 Proposed Side Elevation  
GE.00 1:100 @ A3



Revisions



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Project: 5-6 St Matthew Street  
Drawing Title: Proposed Front & Side Elevation

Status: Planning	Drawn: NU	Checked: PK
Scale: 1:100 @ A3	Date: APR 2016	Revision: -
<b>239_GE_00</b>		

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**DRAFT DECISION LETTER**

**Address:** 5 - 6 St Matthew Street, London, SW1P 2JT,

**Proposal:** Use of ground floor garage and third and fourth floors as offices (Class B1).  
Alterations to St Matthew Street ground floor frontage and one additional window to rear lightwell.

**Reference:** 16/03535/FULL

**Plan Nos:** 239 EE 00, EX 00, EX 01, EX 02, GA 00, GA 01, GE 00, S 00, GA 02, GE 01.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

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

Your development would lead to a reduction in the number of residential units which would not meet S14 of Westminster's City Plan: Strategic Policies adopted November 2013 which seeks to optimise housing delivery and protect all residential uses.

**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.
- 2 We know that the work for which we have refused permission has already started. We may take legal action to stop this. (I24AA)

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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