

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 23 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>Flat 1, 57 Montagu Square, London, W1H 2LS,</b>		
<b>Proposal</b>	Erection of a single storey extension at roof level to the rear mews building, glazing over the lightwell, associated internal alterations to the basement and ground floor.		
<b>Agent</b>	Works Architecture		
<b>On behalf of</b>	Mr Philip Yates		
<b>Registered Number</b>	16/05048/FULL and 16/05049/LBC	<b>Date amended/ completed</b>	30 May 2016
<b>Date Application Received</b>	30 May 2016		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

1. Grant conditional planning permission and conditional listed building consent
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

Planning permission and listed building consent are sought for the erection of a single storey extension at roof level to the rear mews building, part infill extension of the rear light well at ground floor level and associated internal alterations to the basement and ground floor.

The main issues for consideration are:

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

The proposed extension is considered to not cause unacceptable harm to the character and appearance of the Portman Estate Conservation Area.

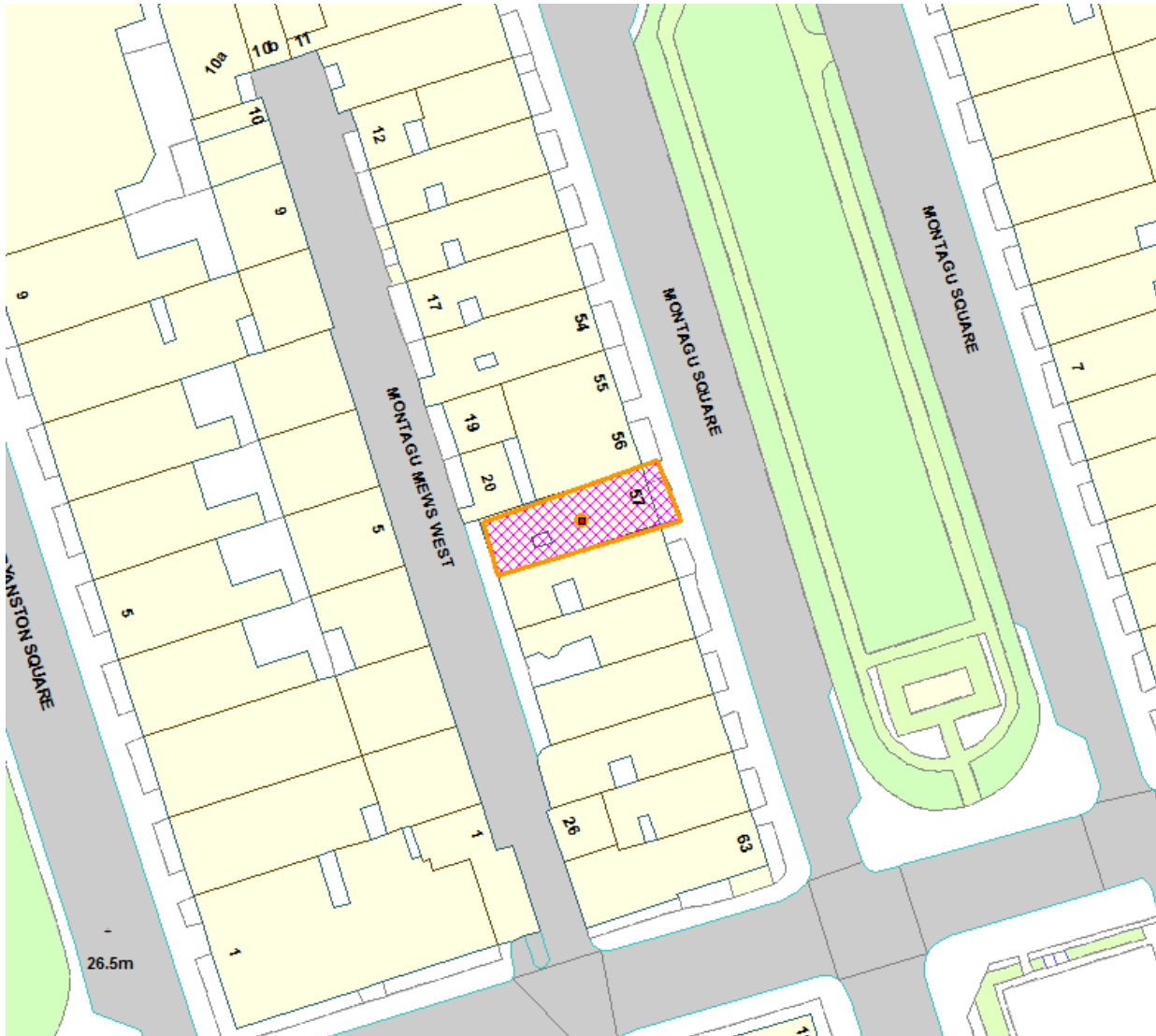
Two objections were received from the same occupier of a flat within the application property with the main concern being loss of light and views as a result of the proposal. A daylight and sunlight report submitted in support of the application demonstrates that all windows and rooms in the surrounding

tested properties (including the objector's) will be fully compliant with BRE guidelines for daylight and sunlight with the proposal in place.

The objector also raised concerns regarding drainage, impact on a close-by tree, impact during construction and design and conservation grounds. It is not considered that any of these elements can be upheld as it would either be unreasonable to withhold permission on those grounds or they can be addressed by condition.

The scheme is considered acceptable on land use, amenity and design grounds and is consequently recommended for approval.

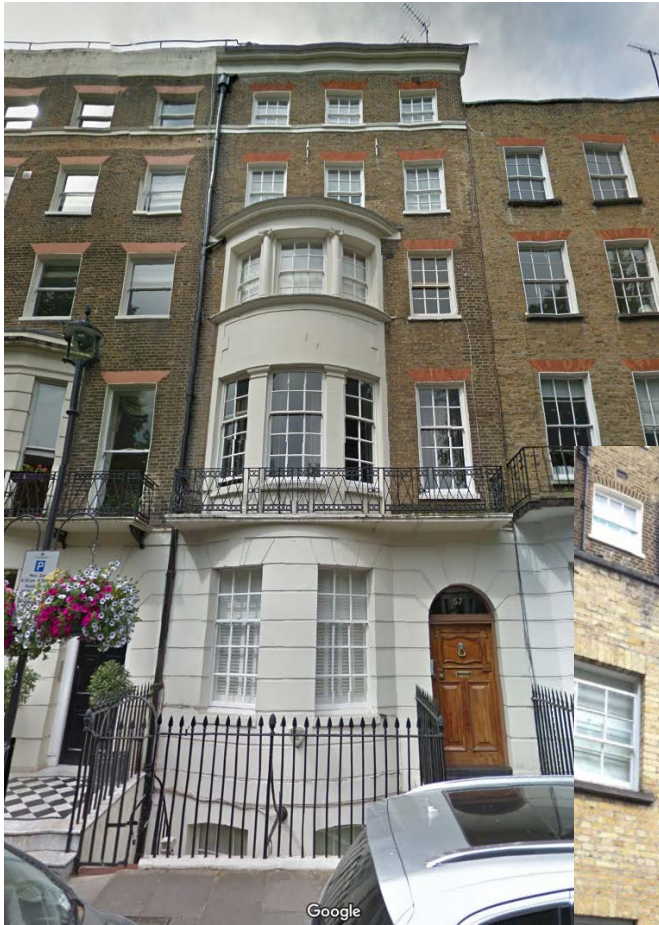
### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Montagu Square Elevation (top) and Montagu Mews West Elevation (bottom)



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

No objection – declared that of one of their planning panel has links to the application but they have not been involved in making this comment.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30; Total No. of replies: 2; No. in support: 0

No. of objections: 2 (from the same person)

Two objections (from the same person) on the following grounds:

- loss of light and views
- impact on drainage
- impact on a close by tree
- impact during construction
- design and conservation grounds

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is a grade II listed building located within the Portman Estate Conservation Area. The property consists of lower ground, ground and first to fourth floors. The property also extends through to and includes the mews house to the rear on Montagu Mews West which consists of lower ground and ground floors. All floors of 57 Montagu Square are in residential use (Class C3). Flat 1 occupies all of the lower ground and ground floors in both the main building and the mews house.

### 6.2 Recent Relevant History

Planning permission and conservation area consent (References: 02/08622/FULL and 02/08624/CAC) were granted in 2003 at this address for works which included the creation of a terrace at ground floor level next to the rear lightwell and the creation of a terrace on the roof of the mews building.

Planning permission and listed building consent (References:02/08583/FULL and 02/08584/LBC) were granted in 2002 at this address for works including the creation of a terrace at ground floor level next to the rear lightwell.

Planning permission and listed building consent (References: 10/10059/FULL and 10/10060/LBC) were granted in 2011 at 24 Montagu Mews West for the construction of a first floor roof extension.

## 7. THE PROPOSAL

Planning permission and listed building consent are sought to allow the erection of a single storey extension at roof level to the rear mews building, part infill extension of the

rear light well at ground floor level and associated internal alterations to the basement and ground floor.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Residential use**

The proposal would result in a small increase in residential floorspace (Class C3) to the existing flat as a result of the mansard extension on the Mews part of the property. The increase in floorspace is considered acceptable in land use terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan, both of which seek to increase residential floorspace within Westminster.

### **8.2 Townscape and Design**

The main objectives of the alterations are improving access between the main house and the mews dwelling as well as raising the mews dwelling by a storey. The works to access the mews building are significant but restrained in that they remove little historic material of any great significance. The addition of a storey on the mews house is acceptable. Further internal alterations to the main house are also considered acceptable.

Revisions have been undertaken on the proposed mews frontage, regularising the fenestration and removing some unnecessary visual clutter. Conditions requiring a sample panel of brickwork will be requested to ensure that the proposed works match the good quality and highly patinated existing Georgian brickwork which forms the existing ground floor. Details of glazing, roof coverings, windows and doors will also be requested.

An objection has been received on the basis of a glass roof used to the rear in an existing lightwell. This alteration will not be easily visible and occurs to an area of very limited significance. As a result this objection cannot be sustained. Therefore, the proposal is acceptable in design terms and complies with Policies DES 1, DES 5 and DES 9 of the UDP and S28 of the City Plan.

### **8.3 Residential Amenity**

#### **Sunlight and Daylight**

A daylight and sunlight report (in accordance with the Building Research Establishment – BRE – Guidelines) has been submitted in support of the application. This details the impact of the proposed mansard extension at the mews property on surrounding windows at Nos. 4 and 5 Montagu Mews West, as well as windows at first floor and lower at Nos. 56, 57 and 58 Montagu Square.

The report demonstrates that very few windows will experience only small losses in daylight. The maximum loss in VSC (Vertical Sky Component) is 8%, well below the 20% threshold above which losses in daylight are noticeable. This loss is to the window which serves the communal stairs serving the flats within 57 Montagu Square. The losses in sunlight during the winter months are also very small. The report demonstrates that all

windows and rooms in the surrounding tested properties will be fully compliant with BRE guidelines for daylight and sunlight with the proposal in place.

Two objections were received (both from the same person) to the application covering a number of grounds including loss of light to their kitchen, however, as demonstrated by the report detailed above, all windows surrounding the application site will still meet the BRE guidelines for daylight and sunlight so this objection cannot be supported.

The proposed design of the roof structure in this application adopts the same approach which was permitted by the planning committee at 24 Montagu Mews West (located directly to the South of the mews part on this application). It features two different pitches on the rear which reduces the impact of the proposal on the flat at first floor level. A 70 degree pitch is proposed in front of the window which serves the communal stairs for the property, while a 45 degree pitch is proposed on the section of roof which is in front of the first floor flat window. This minimises the impact on the objector's window.

### **Amenity of Existing Units**

The proposed partial infill extension within the rear lightwell at first floor level is likely to have an impact on the rooms within the basement. This lightwell serves a bedroom situated in the mews part of the property as well as a bedroom in the main building. The mews property bedroom is dual aspect and also has a lightwell and window fronting onto Montagu Mews West. However, the bedroom in the main building is single aspect with only glazed French windows looking into the lightwell.

The proposed infill extension has a glazed roof, glazed wall facing into the remaining lightwell and a glazed floor. Due to the glazed flooring, it is considered that, while there may be a reduction in light to the bedroom in question (which is part of the applicant's own property), an acceptable amount would still penetrate through to the remaining lightwell below. This glazed floor will be secured through condition to ensure that the standard of the bedroom within the main building is not compromised.

The objector's large kitchen window is situated directly above the proposed glazed roof. It is considered that light spillage from the glazed infill extension may cause some potential loss of amenity to this window, due to light pollution. To address this issue, a condition will be applied requiring submission of details of the design of the glazed roof panel, to minimize light spillage.

### **8.4 Transportation/Parking**

Not applicable

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Not applicable

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

### **Trees**

The objection raised concern regarding the tree located adjacent to the application site in the mews to the rear. The concern was with regards to damage during construction or restriction to its growth by the extension. The Council Arboricultural Officer feels that is unlikely the tree will be directly affected by the proposal but could be damaged indirectly by construction, demolition or deliveries. A condition will therefore be applied requiring the tree to be protected during construction and for details of how this will be done to be approved by the Council. As a result, the objection on these grounds can not be upheld.

## **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**

### **Construction impact**

Impact during the course of construction was also raised by the objector. It would also be unreasonable to withhold permission on these grounds, however, the hours of noisy working will be restricted through condition and the applicant will be encouraged to sign up to a considerate constructors scheme. Therefore this element of the objection cannot be upheld.

### **Loss of Views**

The objector raised concern regarding loss of view from her kitchen at first floor level within the main property of 57 Montagu Square. While it is recognised that there will be some loss of view as a result of the proposal, this will be minimal (and only be a view towards properties opposite) it would not be reasonable to withhold permission on this basis and therefore this objection cannot be upheld.



## Drainage

The impact of the proposal on the drainage into the lightwell was raised by the objector. The proposal will leave a small lightwell at ground floor level and the existing footprint of the lightwell retained at lower ground floor level. This will still allow for the drainage to operate in much the same way as existing. As a result, this aspect of the objection cannot be upheld.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 16 June 2016
3. Letter from occupier of 57 Montagu Square, London, dated 4 August 2016
4. Letter from occupier of 57 Montagu Square, London, dated 13 June 2016
5. Email from Council Arboricultural Officer dated 28 August 2016

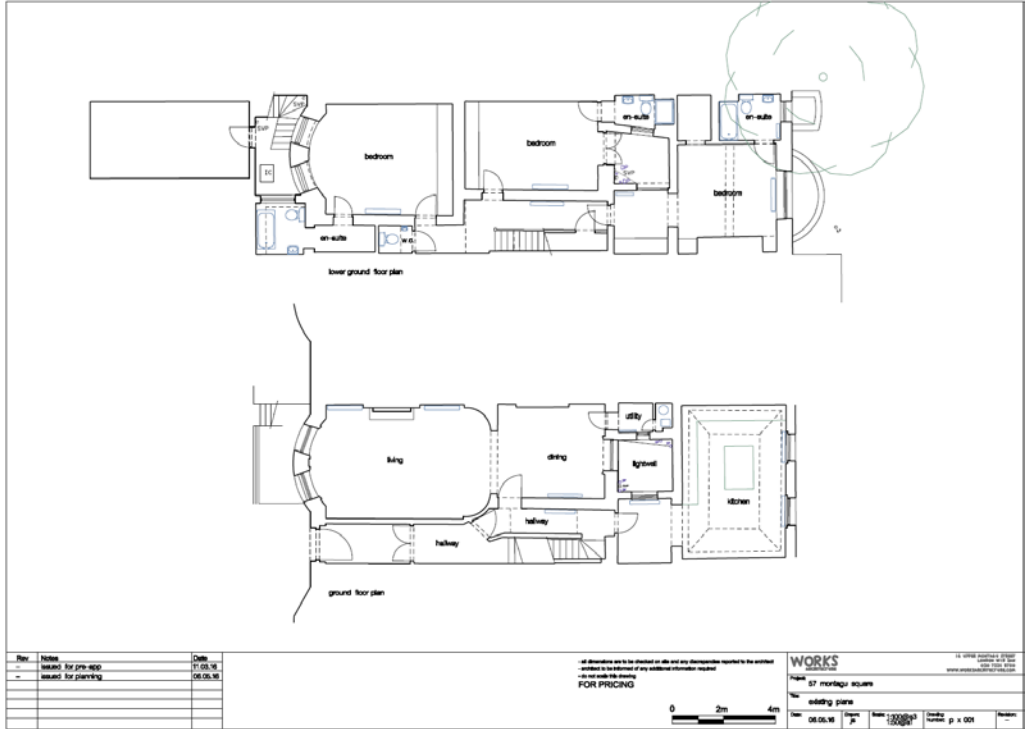
### Selected relevant drawings

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

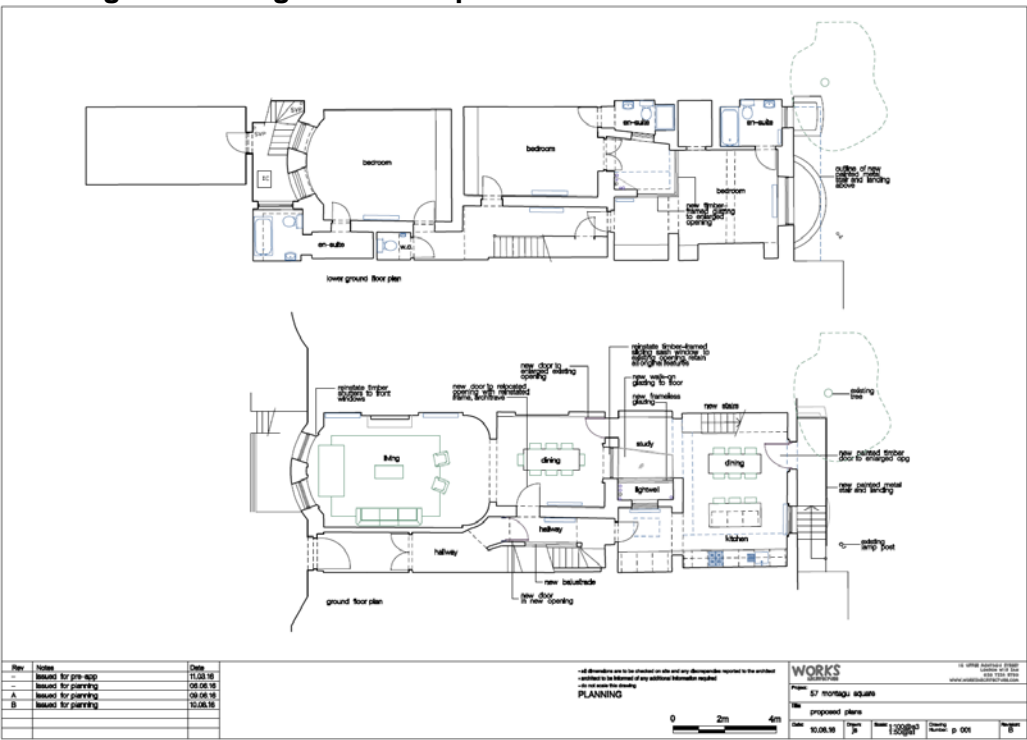
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

### 10. KEY DRAWINGS

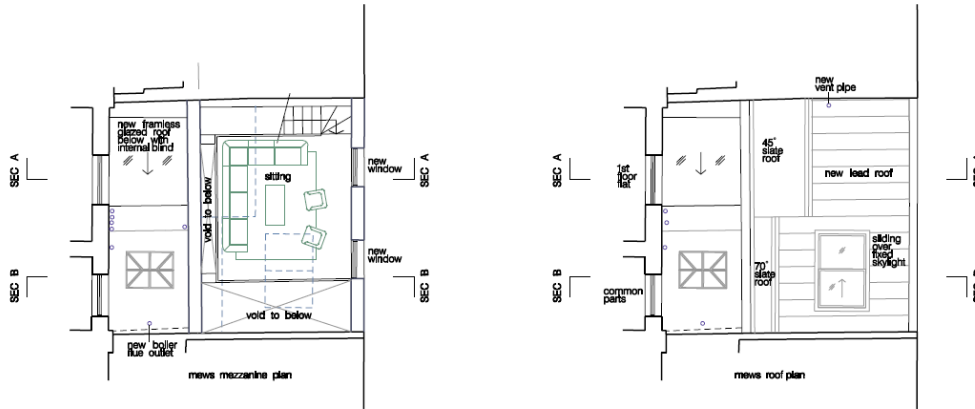
#### Existing lower ground and ground floor plans



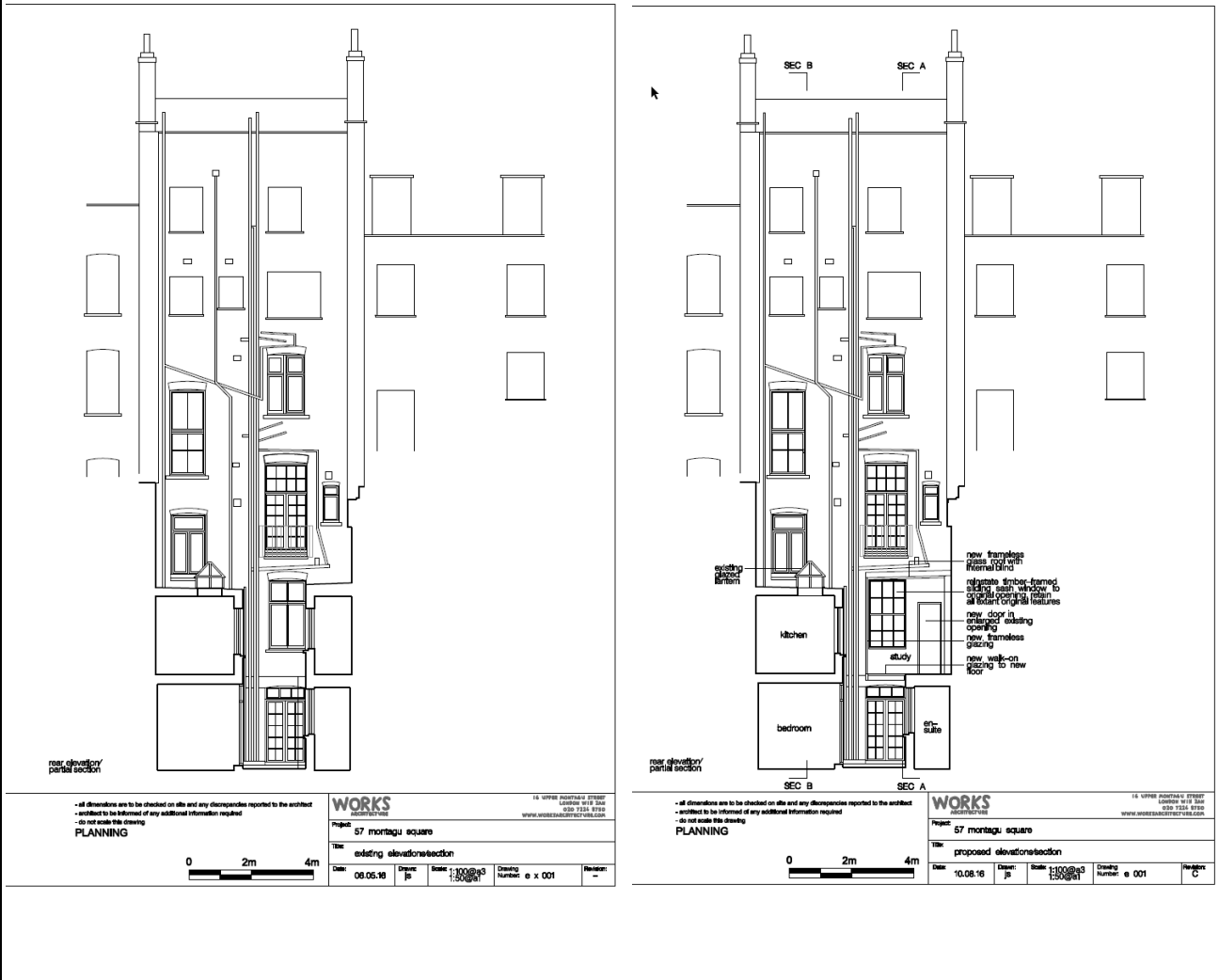
#### Proposed lower ground and ground floor plans



### Proposed Mews mezzanine and mews roof plan



### Existing rear elevation/partial section (left), Proposed rear elevation/partial section (right)



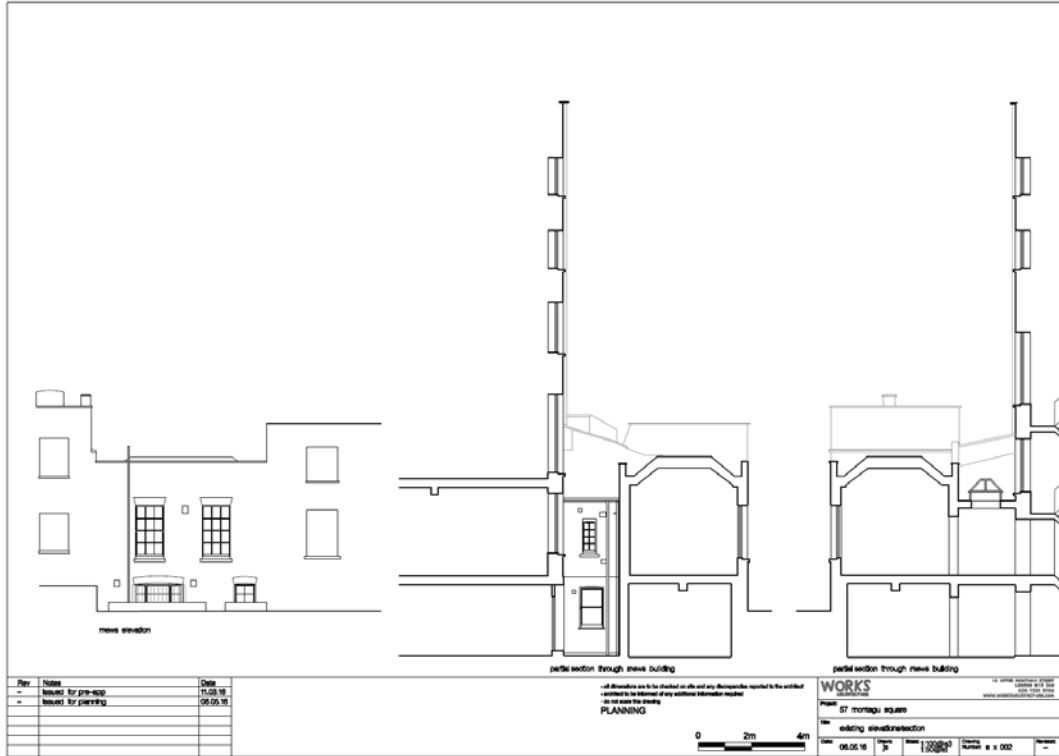
- all dimensions are to be checked on site and any discrepancies reported to the architect  
 - architect to be informed of any additional information required  
 - do not scale the drawing  
**PLANNING**

<b>WORKS</b> <small>16 UPPER PORTLAND STREET          LONDON W1B 5PL          020 7314 8752          WWW.WORKSARCHITECTURE.COM</small>					
Project: 57 montagu square					
Title: existing elevation/section					
Date: 08.05.16	Drawn: JB	Scale: 1:1000 (A3)	Drawn Number: e x 001	Revision: -	

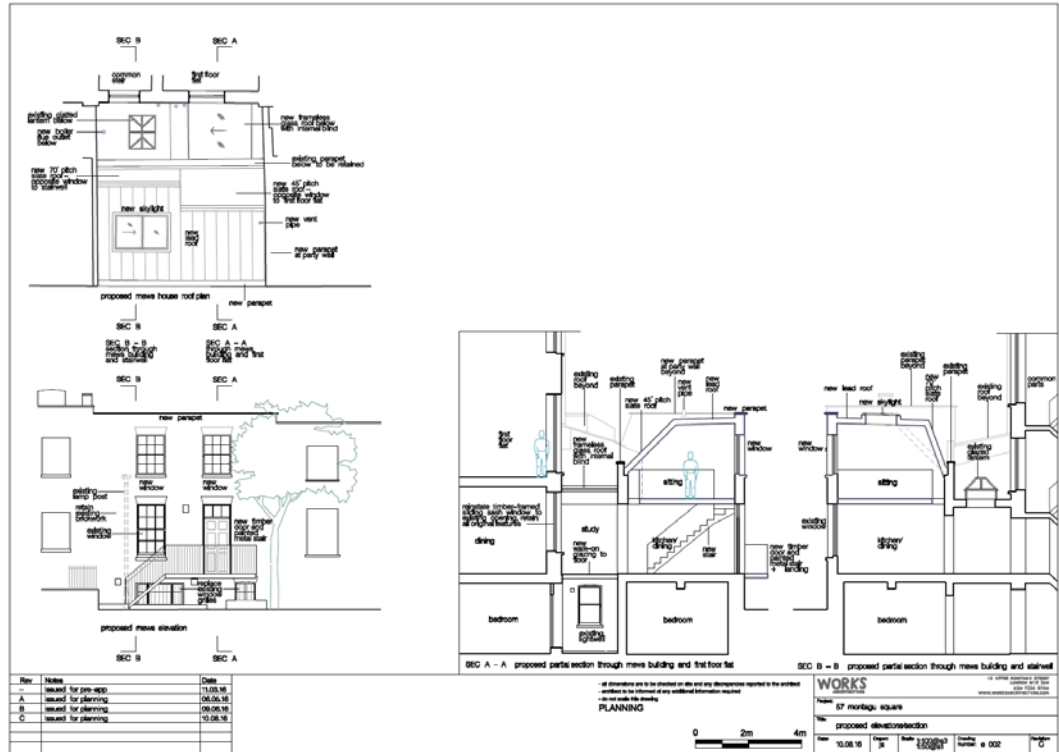
- all dimensions are to be checked on site and any discrepancies reported to the architect  
 - architect to be informed of any additional information required  
 - do not scale the drawing  
**PLANNING**

<b>WORKS</b> <small>16 UPPER PORTLAND STREET          LONDON W1B 5PL          020 7314 8752          WWW.WORKSARCHITECTURE.COM</small>					
Project: 57 montagu square					
Title: proposed elevation/section					
Date: 10.08.16	Drawn: JB	Scale: 1:1000 (A3)	Drawn Number: e 001	Revision: C	

### Existing mews elevation and partial sections



### Proposed mews elevation and partial sections



**DRAFT PLANNING DECISION LETTER**

**Address:** Flat 1, 57 Montagu Square, London, W1H 2LS,

**Proposal:** Erection of a single storey extension at roof level to the rear mews building, part glazing over the lightwell, associated internal alterations to the basement and ground floor.

**Reference:** 16/05048/FULL

**Plan Nos:** Demolition Drawings: p x d 001 Rev. B ; e x d 001 Rev. A ; e x d 002 Rev. B ,  
Proposed Drawings: p 001 Rev. B ; p 002 Rev. A ; e 001 Rev. C ; e 002 Rev. C

**Case Officer:** Adam Jones

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

**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 , onot 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 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)

- 4 You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawings p 001 Rev. A and e 002 Rev. B. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 6 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 5 The hereby approved walk-on glazing in the ground floor lightwell extension shall be made of clear glass and maintained so as to ensure it allows light penetration to basement level.

Reason:

To protect the standard of accommodation in the single aspect basement bedroom. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development -

The inclusion of fixed internal blinds/fins within the hereby approved glazed roof.

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 approved detailed drawings. (C26DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

a) Windows (sections at 1:1)

b) New metal stairs to the mews property (plans and elevations at 1:10 with a 1:5 detail)

c) A sample panel of brickwork with a partial soot wash to be viewed on site.

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

### **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 To meet condition 4, the minimum protection we normally expect is plywood boarding at least 1.2 metres high. The boarding should go around the tree at a distance from the trunk which will keep machinery away from the branches. If this is not possible there should be at least two metres between the trunk of the tree and the boarding. (I33AA)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 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, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

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.

**DRAFT LISTED BUILDING DECISION LETTER**

**Address:** Flat 1, 57 Montagu Square, London, W1H 2LS

**Proposal:** Erection of a single storey extension at roof level to the rear mews building, part glazing over the lightwell, associated internal alterations to the basement and ground floor.

**Plan Nos:** Demolition Drawings: p x d 001 Rev. B ; e x d 001 Rev. A ; e x d 002 Rev. B ,  
Proposed Drawings: p 001 Rev. B ; p 002 Rev. A ; e 001 Rev. C ; e 002 Rev. C

**Case Officer:** Adam Jones

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

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

- 1 The works 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 and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

- a) Windows (sections at 1:1)
- b) New metal stairs to the mews property (plans and elevations at 1:10 with a 1:5 detail)
- c) A sample panel of brickwork with a partial soot wash to be viewed on site.

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

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



**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan (July 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.