

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Basement Front, 11 Upper Wimpole Street, London, W1G 6LN,		
Proposal	Replacement of basement level sash window with French windows (rear of front basement flat).		
Agent	Ms Tina Bangs		
On behalf of	Ms Tina Bangs		
Registered Number	1. 16/04377/FULL 2. 16/04378/LBC	Date amended/ completed	13 May 2016
Date Application Received	11 May 2016		
Historic Building Grade	Grade II Listed		
Conservation Area	Harley Street		

1. RECOMMENDATION

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

2. SUMMARY

The application site is the residential flat in the front basement of a Grade II listed building located in the Harley Street Conservation Area. The application site is located at the north eastern end of Upper Wimpole Street; the rest of the building is also occupied as residential accommodation.

Permission is sought for the replacement of a basement level sash window with French windows to the rear of the front basement flat, within an enclosed rear courtyard.

The courtyard is an unusual arrangement with two residential properties (basement front and basement rear) living areas facing into the courtyard area. The applicant's design and access and heritage statement states *'the aim of the proposed works is to enhance the look of the property and to improve its utility and allow me to enjoy unhindered access to the courtyard area'*.

However, the courtyard is owned by the basement rear flat, which has sole access to it. This has been confirmed by the Freeholder (The Howard de Walden Estate). The applicant has therefore now proposed that the French windows open inwards so as not to impede on the space. If the proposal had

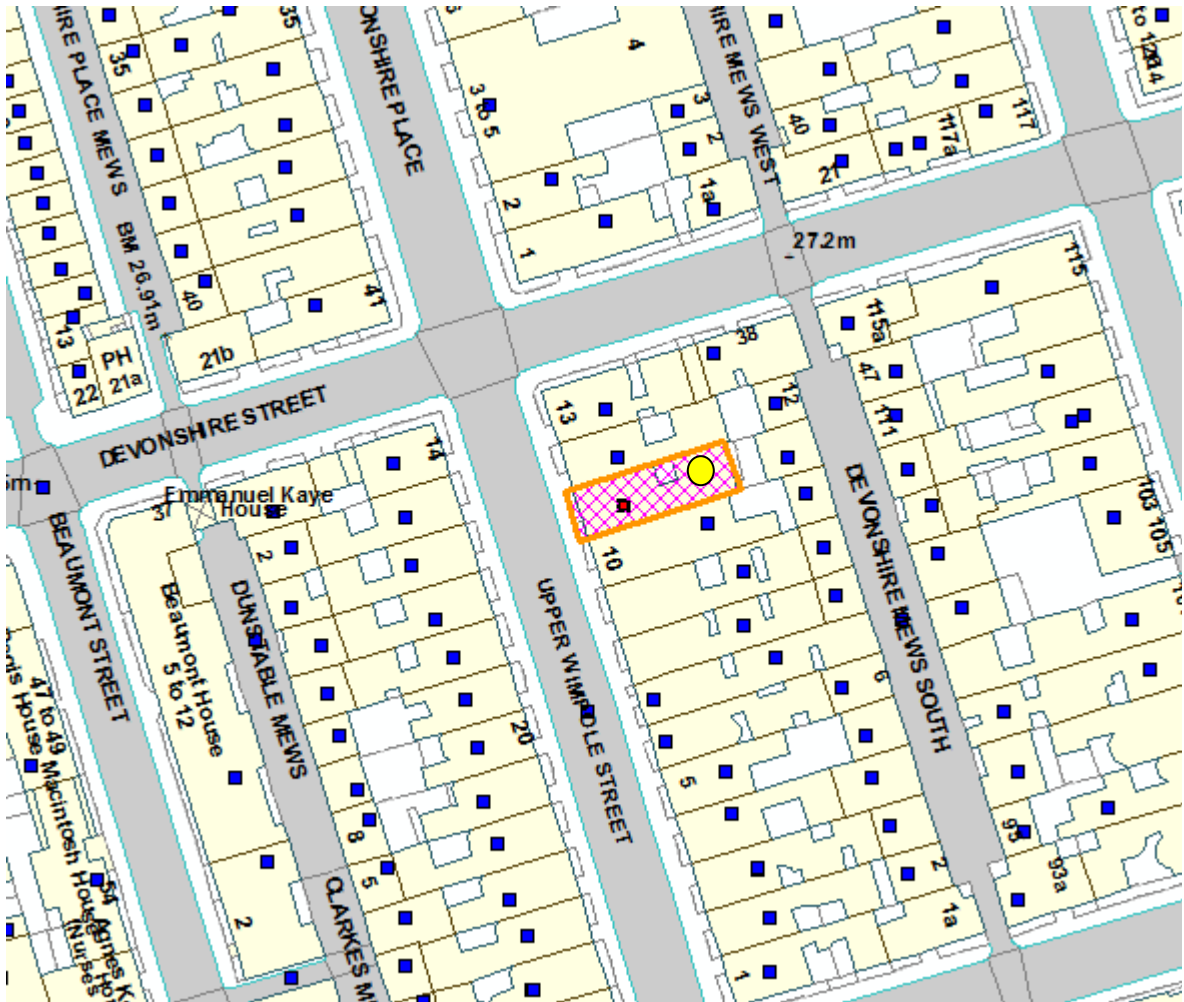
been considered acceptable in principle, prevention of access could be guaranteed by the addition of a balustrade with a minimum height of 1.1m, though this would require the benefit of planning permission and listed building consent.

The adjacent resident (in the flat at basement rear) has objected to this proposal due to loss of privacy and overlooking.

The courtyard is a small area and is solely for the use of the basement rear flat. It is acknowledged that the courtyard is already overlooked by the large, and openable, sash window of the applicant's bedroom, as well as a number of other windows on upper floors. However, it is considered that the installation of a larger glazed door in replacement of the sash window would have a negative impact on the amenity of rear basement flat, resulting in an increase in overlooking from basement flat front into the private courtyard, contrary to policies S29 of Westminster's City Plan (July 2016) and ENV 13 of the Unitary Development Plan. Accordingly the planning application is recommended for refusal on these grounds.

In design and historic building terms, the proposed impact is minor, the proposed French window design being an acceptable replacement for the multi pane sash. The proposed works are therefore considered to be acceptable in design terms and in accordance with DES 1; DES 9; DES 10; S 25; S 28 and the relevant sections of the National Planning Policy Framework (NPPF).

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

● Neighbour at Basement Rear

4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18; Total No. of replies: 1 ;

No. of objections: 1

- The courtyard is private land owned by Basement Flat Rear (confirmed by Howard de Walden estate).
- The applicant places heavy emphasis on access, stating among other things. "Access will be significantly improved", any access will be trespass.
- Loss of privacy concerns.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application lies in the Harley Street Conservation Area and is listed Grade II. It is occupied as residential flats.

6.2 Recent Relevant History

None

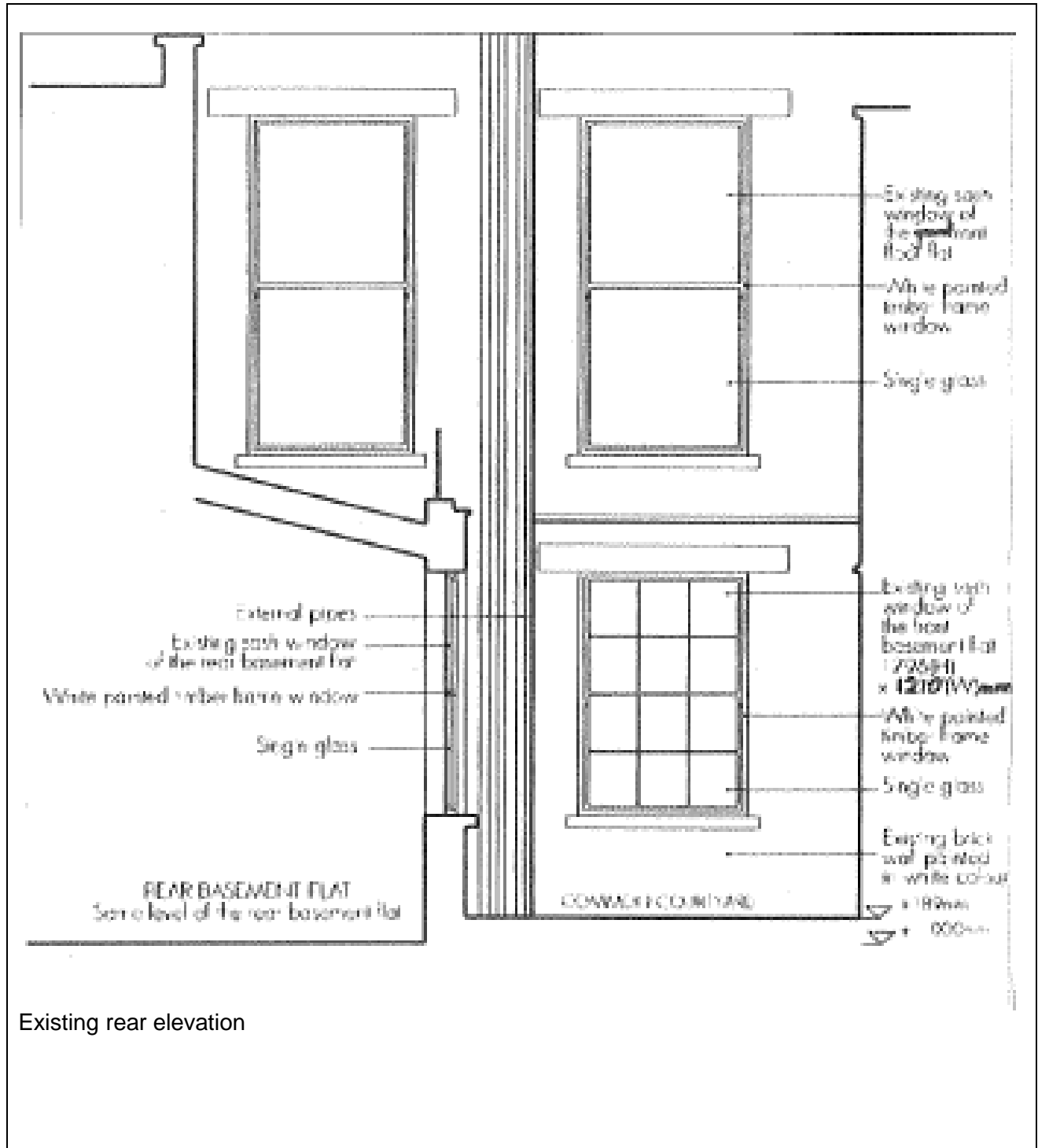
7. BACKGROUND PAPERS

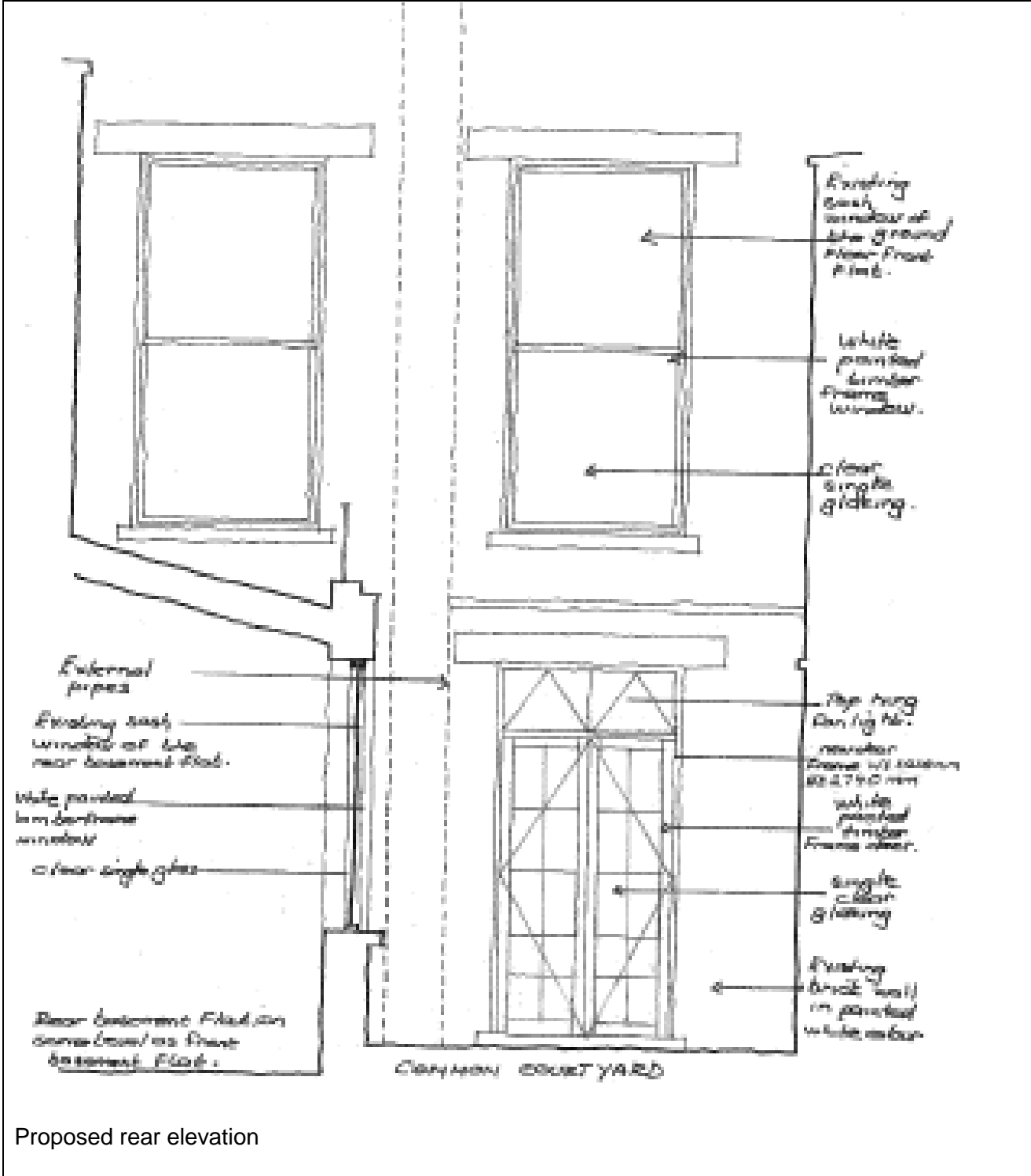
1. Application form
2. Letters from occupier of Basement Rear, 11 Upper Wimpole Street, dated 27 May 2016 and 20 July 2016

(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

8. KEY DRAWINGS





Proposed rear elevation

DRAFT PLANNING DECISION LETTER

Address: Basement Front, 11 Upper Wimpole Street, London, W1G 6LN,
Proposal: Replacement of basement level sash window with French doors (rear of front basement flat).
Reference: 16/04377/FULL
Plan Nos: DR2, DR5

Case Officer: Shaun Retzback **Direct Tel. No.** 020 7641 6027

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

The installation of French windows would lead to an unacceptable loss of privacy for people in neighbouring properties. This would not meet S29 of Westminster's City Plan (July 2016) 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 (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. 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.

DRAFT LISTED BUILDING DECISION LETTER

Address: Basement Front, 11 Upper Wimpole Street, London, W1G 6LN
Proposal: Replacement of sash window with French doors (rear of front basement flat)
Plan Nos: DR2, DR5
Case Officer: Shaun Retzback **Direct Tel. No.** 020 7641 6027

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 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
- o not 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 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 listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must hang all doors so that they do not open over or across the private courtyard.

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)

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 In granting this Listed Building Consent this does not confer a right of access to the private courtyard.

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.