

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 06 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	16 - 17 Montagu Square, London, W1H 1LE		
Proposal	Amalgamation of ground floor flat within Nos. 16 and 17 Montagu Square and front basement flat within No. 16 Montagu Square to create one maisonette (Class C3) over ground and front basement floor levels. Excavation beneath one of the pavement vaults and erection of extension at front basement level, both in order to provide additional residential accommodation as part of new residential maisonette. Internal alterations.		
Agent	D-Raw Ltd.		
On behalf of	Mr Simon Granger		
Registered Number	16/03933/FULL and 16/03934/LBC	Date amended/ completed	26 May 2016
Date Application Received	28 April 2016		
Historic Building Grade	II		
Conservation Area	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 to amalgamate the existing three-bedroom flat that spans the ground floor level of No. 16 and the majority of the ground floor of No. 17 with the front one-bedroom basement flat of No. 17 to create a maisonette (Class C3) over basement and ground floor levels. A number of internal alterations are proposed to facilitate this amalgamation, including the insertion of a new staircase from ground floor to lower ground floor. It is also proposed to excavate beneath one of the pavement vaults and erect a new link extension in the front lightwell to enable this pavement vault to be incorporated into the new maisonette.

The main issues for consideration are:

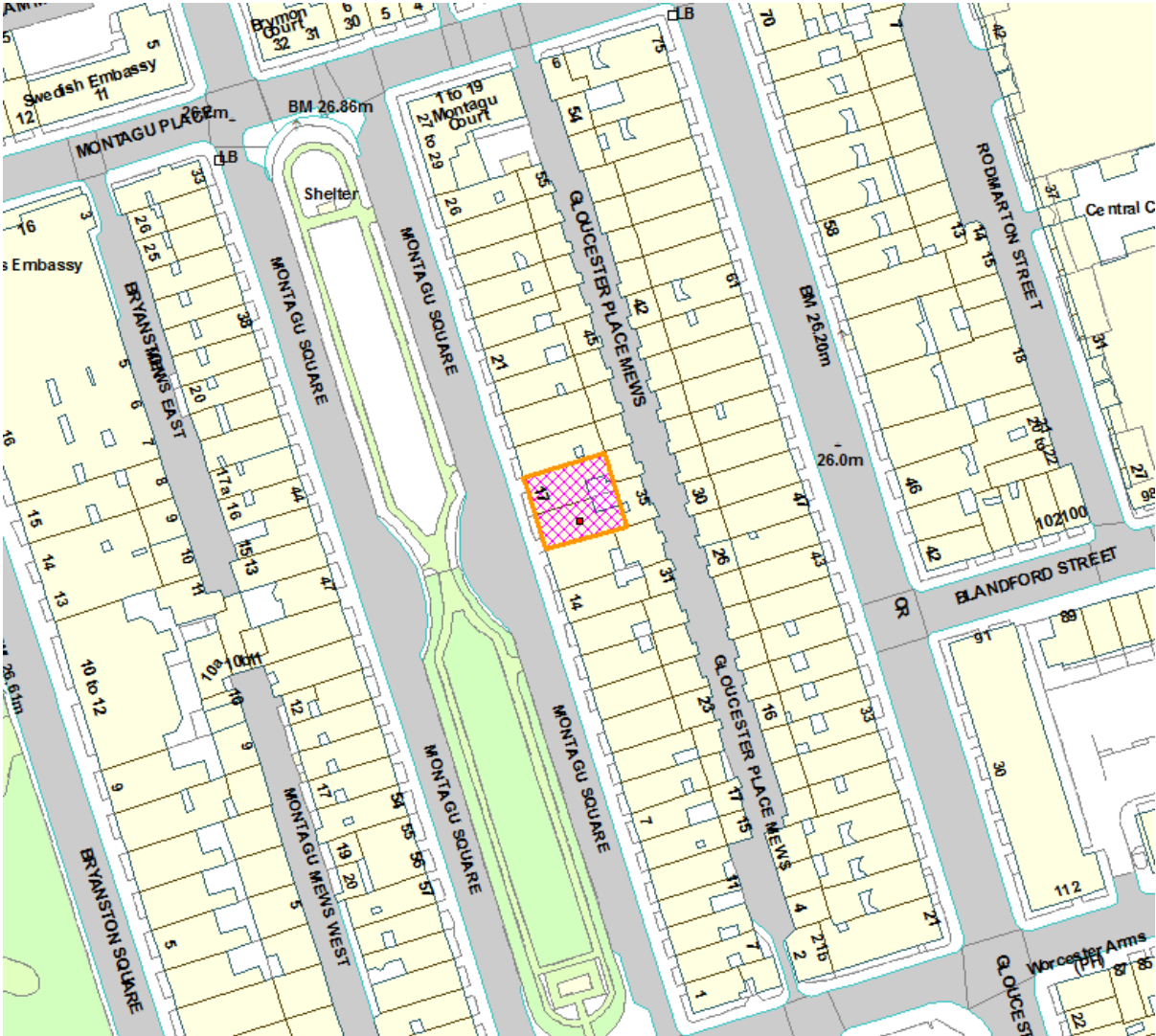
- The loss of a residential unit.
- The impact of the proposal on the special interest of this Grade II listed building.
- The impact of the external works on the character and appearance of the Portman Estate Conservation Area.

The loss of the basement flat is contrary to City Plan Policy S14 as it would cause the loss of a residential unit without creating a 'family sized' unit (the existing ground floor flat is already such a unit). However, the existing basement is of a poor standard through being single aspect and having poor light levels. As such, on balance, the loss of this residential unit is considered to be acceptable. Combined with the existing ground floor flat, the enlarged basement level would provide a good standard of accommodation when the accommodation provided is viewed as a whole.

The proposed works to the listed building would not usually be considered acceptable as the proposed location for the new staircase is historically inaccurate. However, as the property has been radically altered in the past and its historic interest internally is limited, on balance, the installation of a new staircase in the proposed location is acceptable. The modest extension beneath the ground floor entrance bridge within the front lightwell is also acceptable in design, listed building and conservation terms.

The scheme is considered to be acceptable on land use, design and listed building grounds. Furthermore, it would not harm the special interest of this listed building or harm the character and appearance of the Portman Estate Conservation Area. As such, it is recommended that conditional permission and listed building consent be granted.

LOCATION PLAN



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3. PHOTOGRAPHS



4. CONSULTATIONS

MARYLEBONE ASSOCIATION

No objection

ENVIRONMENTAL HEALTH

No objection

HIGHWAYS PLANNING

No objection

BUILDING CONTROL

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 21

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

Nos. 16 and 17 Montagu Square are both Grade II listed buildings located within the Portman Estate Conservation Area. The properties consist of basement, ground and first to fourth floors and are all in use as residential flats (Class C3). The ground floor flat extends across both Nos. 16 and 17 Montagu Square while the basement flat only occupies the front half of No. 16.

5.2 Recent Relevant History

Internal alterations and replacement of the windows at the ground floor flat were permitted in July 2013 (RN: 13/03932/LBC). A variation of this consent was refused in September 2013 (RN: 13/08873/LBC) due to an unjustified amount of further internal demolition damaging the special interest of the listed building.

6. THE PROPOSAL

Planning permission and listed building consent are sought to amalgamate the existing three-bedroom flat at ground floor level of No. 16 and the majority of the ground floor of No. 17 with the front one-bedroom basement flat of No. 16 to create a maisonette (Class C3) over ground and part basement floor levels, to undertake a number internal alterations to facilitate this amalgamation (including the insertion of a new staircase from ground floor to lower ground floor), to excavate beneath one of the pavement vaults and erect a new link extension in the front lightwell to enable this pavement vault to be incorporated within the new maisonette.

7. DETAILED CONSIDERATIONS

7.1 Land Use

City Plan Policy S14 states that *"All residential uses, floorspace and land will be protected. Proposals that would result in a reduction in the number of residential units will not be acceptable..."*. There are three exceptions to this policy. These are: (i) When, affordable housing is reconfigured or redeveloped to meet affordable housing need; (ii) A converted house is being returned to a family-sized dwelling or dwellings; or (iii) Two flats are being joined to create a family sized dwelling. The Council identifies residential units containing three or more bedrooms as family sized dwellings.

The existing ground floor flat measures 190sqm and is a family-sized flat containing three bedrooms. The basement flat measures 42sqm and is a one-bed flat. As the ground floor flat is already family sized, the proposal will not create a family sized dwelling and therefore none of the listed exceptions apply to this application. As the proposal will result in the loss of the basement residential unit, it is contrary to City Plan Policy S14.

Environmental Health has assessed the existing basement flat and advised that the existing basement flat is of a poor standard due to a lack of natural light and single aspect. Environmental Health advises that the use of the basement as part of the existing ground floor flat is preferable as there would be no issues of compliance with the Housing Act. Due to the requirement to maintain the central corridor due to listed building constraints, there is little opportunity to radically alter the layout of this flat to improve its quality. When taken as a whole, despite the lack of light to the basement area, the proposed maisonette would be of a good standard.

In light of this advice it is considered that the basement flat's poor standard, on balance, represents an exceptional circumstance that would allow the loss of this residential unit.

The existing vaults at basement level under the highway are currently not accessible. The vault which is proposed to become part of the new maisonette and be used as a 'TV room' is currently sealed and has no access. As a result, there would be no loss of communal space to the occupiers of the flats in No. 16 Montagu Square. There is therefore no objection to the incorporation of this communal floorspace within the demise of the new flat.

7.2 Townscape and Design

The special interest of the lower ground floor is limited, with little historic decorative detailing surviving. However, the original plan form with a dividing central corridor is clearly legible; a layout which is characteristic of properties in the group. The original submission involved the removal of this central corridor by demolishing the existing dividing walls which retain vertical timber dado boarding. This proposal was subsequently revisited in design terms and the proposal revised showing the retention of the existing walls and boarding, aside from two small opens to the front end.

This revision showed the use of the area as a bathroom, which was considered unacceptable in listed building terms, requiring much intervention into the historic panelling to service the facilities. A further revision was submitted showing the walls and

panelling largely retained, with the area being used as a wardrobe space. The small sections of panelling which are to be removed to create new openings should be relocated to the infilled sections to the rear of the corridor. Missing panelling should be replicated and continued throughout the corridor space. This is recommended as a condition of any listed building consent.

The proposed location for the new staircase is historically inaccurate. However, it is noted that the staircase cannot be moved to a more suitable location due to the ownership patterns of the units within the building. It is also noted that this property has been radically altered in the past and its historic interest internally is limited. It is therefore considered that, on balance, the installation of a new staircase in this location is acceptable in this instance. The relocation of the staircase to a more suitable location in the future would be welcomed. The proposed glass balustrade to the new staircase is unacceptable in listed building terms and it is therefore recommended that an amending condition be imposed requiring the submission of revised drawings showing a metal balustrade of simple design.

The proposal also involves the widening of an existing link in the front area, to link the lower ground floor to one of the existing vaults. The other two vaults will be retained as existing. The proposal demonstrates that this link will not project beyond the footprint of the stairwell above and the traditional fenestration enables the extension to be read as a lightweight link, which is considered consistent with others in the group. The replacement of the existing door with a new sash window is also a characteristic feature of the group. These elements of the application are therefore considered acceptable in design terms.

In light of the above, the proposals are considered compliant with UDP Policies DES 1, DES 5, DES 9 and DES 10 and acceptable in design, conservation and listed building terms.

7.3 Residential Amenity

The proposal raises no amenity concerns.

7.4 Transportation/Parking

The Highways Planning Manager has assessed the application and raised no objection to the proposal. UDP Policy TRANS19 restricts the lateral and vertical extent of new or extended basement areas under the adjacent highway. However, the proposal is to drop the floor level of the vault, which is policy-compliant as it would not reduce the vertical depth beneath the public highway.

A Council District Surveyor has also assessed the application and the proposed works to the vaults and raises no objection. Both the District Surveyor and Highways Planning Manager have advised that, as the proposal involves works under the highway, an informative should be included to advise the applicant to acquire Technical Approval from the City Council's highways engineers before beginning excavation. It is recommended that this informative is added.

7.5 Economic Considerations

The proposal does not raise any material economic considerations.

7.6 Access

None of relevance.

7.7 Other UDP/Westminster Policy Considerations

None of relevance.

7.8 London Plan

This application raises no strategic issues.

7.9 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.

7.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

7.11 Environmental Impact Assessment

Not applicable

7.12 Other Issues

None applicable

8. BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 15 June
3. Response from Highways Planning – Development Planning, dated 14 June 2016
4. Response from Environmental Health Consultation, dated 17 June 2016
5. Response from Building Control, dated 29 June 2016
6. 2016
7. Second response from Environmental Health Consultation, dated 03 August 2016
8. Second response from Building Control - Development Planning, dated 08 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)

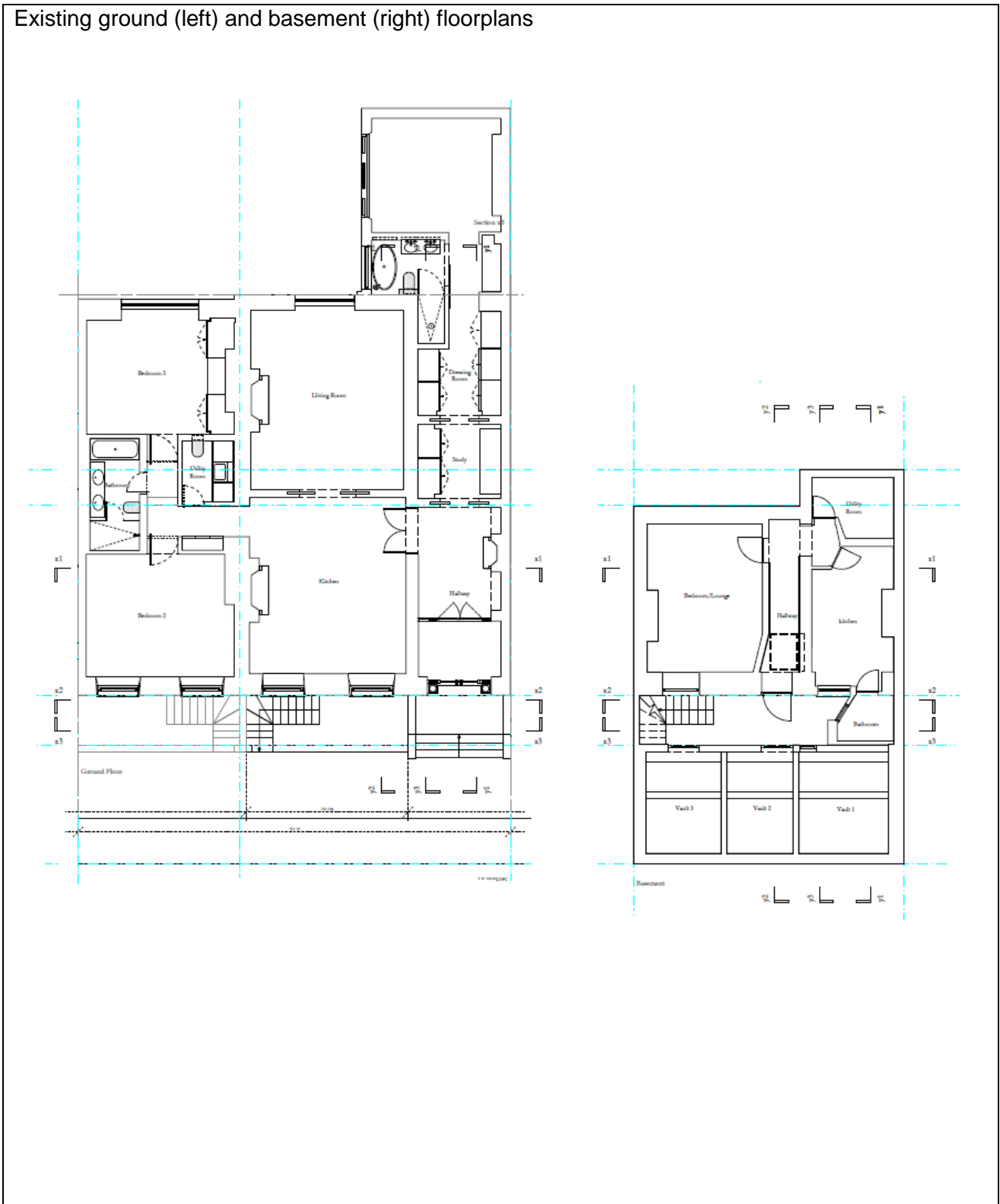
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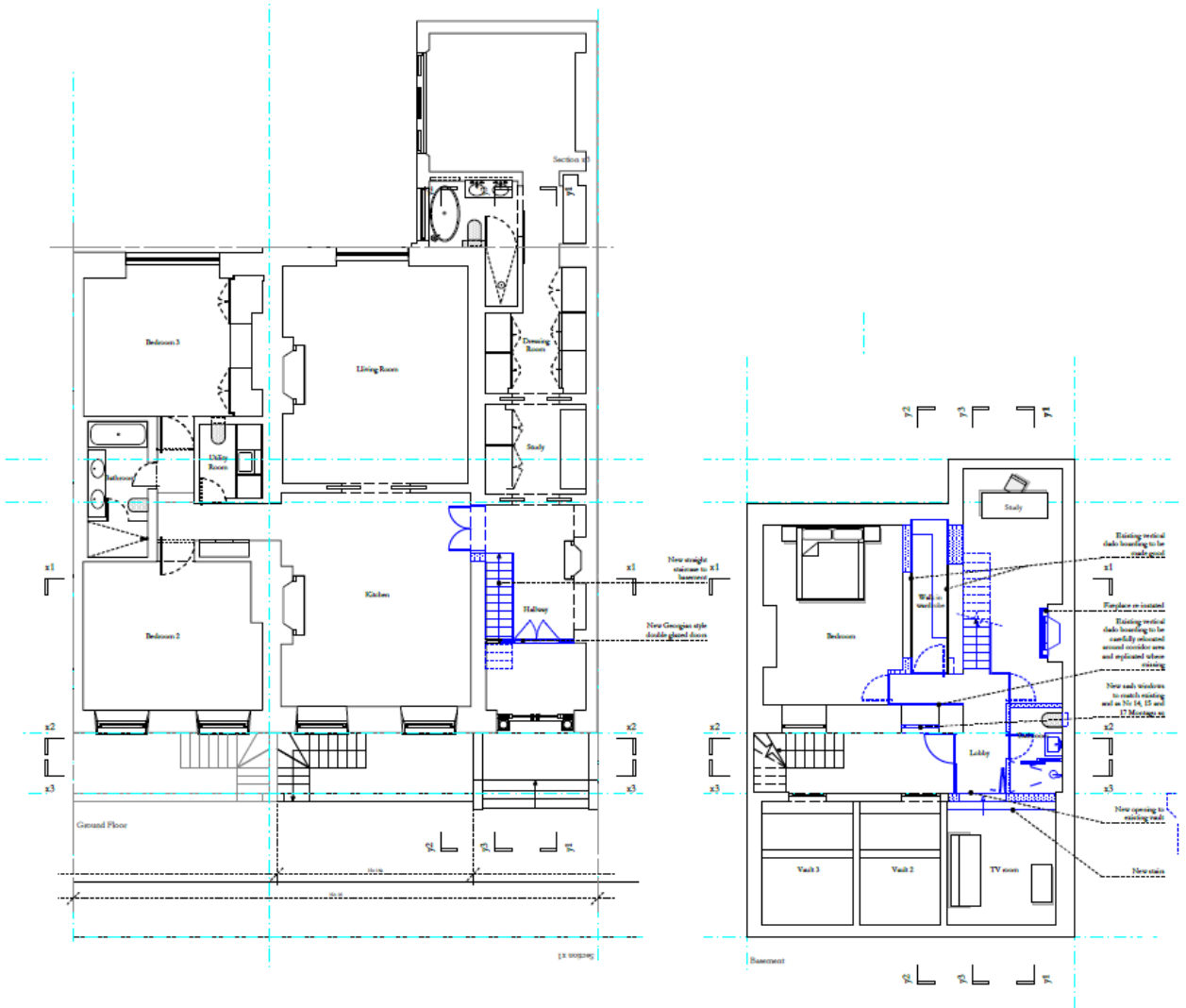
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk
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9. KEY DRAWINGS

Existing ground (left) and basement (right) floorplans



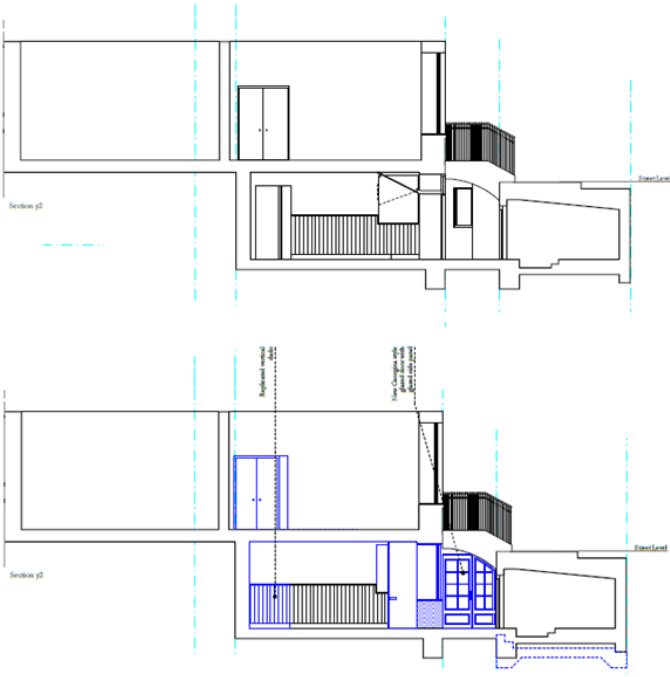
Proposed ground (left) and basement (right) floorplans



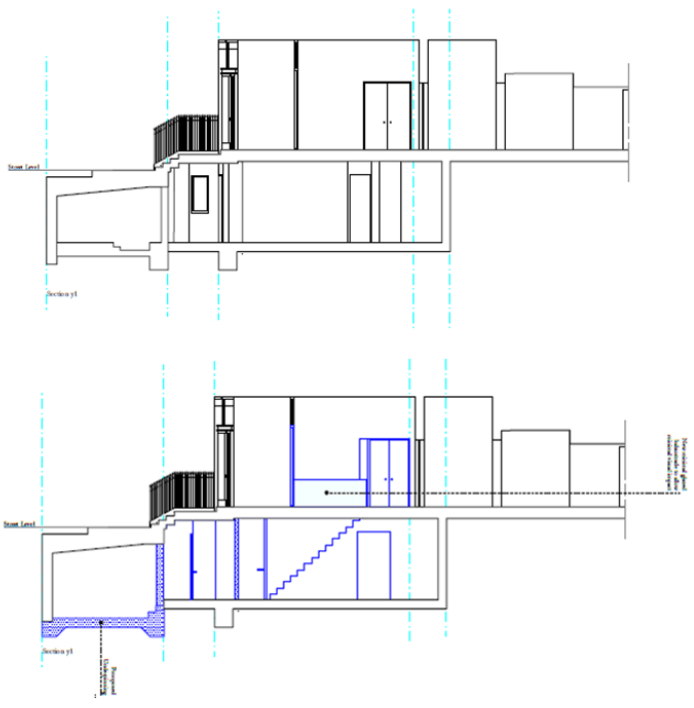
Existing (top) and proposed (bottom) front elevation/section



Existing (top) and proposed (bottom) section y2



Existing (top) and proposed (bottom) section y1



DRAFT PLANNING DECISION LETTER

Address: 16 - 17 Montagu Square, London, W1H 1LE,

Proposal: Amalgamation of ground and front basement residential units (Class C3) within No. 16 Montagu Square and No. 16a Montagu Square to create one maisonette (Class C3) over ground and front basement floor levels. Excavation beneath one of the vaults to allow the use as habitable accommodation.

Reference: 16/03933/FULL

Plan Nos: 2.2 REV C and 2.1 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 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 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part 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 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 You must apply to us for approval of 1:1 details of the following parts of the development - external windows and doors. 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 detailed drawings. (C26DB)

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 Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

- 6 The facing rendered brickwork must match the existing original work in terms of colour and texture. 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) 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)

- 7 The maisonette (Class C3) over ground and front basement floor level hereby approved shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (July 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

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 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 or visit www.ccscheme.org.uk.
- 3 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. , , It is now possible for local authorities , to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 5 You will need technical approval for the works to the highway (supporting structure) prior to commencement of development. You are advised to contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress the applicant for works to the highway.

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: 16 - 17 Montagu Square, London, W1H 1LE,

Proposal: Installation of a staircase between basement and ground floor levels, internal alterations at basement level and excavation beneath pavement vault.

Reference: 16/03934/LBC

Plan Nos: 2.2 REV C and 2.1 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 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme – replacement of the glazed balustrade shown on drawing 2.2 Rev B with a traditional metal balustrade. 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 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 SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

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 SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development –
- (i) Windows
 - (ii) Doors and
 - (iii) Fireplaces.

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 detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 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)

- 6 You must not disturb existing vertical boarding on the lower ground floor unless changes are shown on the approved drawings. Where removal of this boarding is approved, it should be retained and relocated to the new walls shown on drawing 2.2 Rev B.

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 SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

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 SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 9 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To protect the special architectural or historic interest of this listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 11 You must not disturb existing original features in the vault (flagstone flooring, vaulting etc) unless changes are shown on the approved drawings. (C27MA)

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 SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 The special interest of this listed building has been taken into account when considering the impact of the new staircase. The staircase was considered acceptable due to the special circumstances of the case. However, the City Council would not normally consider a staircase in this location acceptable in principle in a Listed Building of this type.
- 2 With regards to the detailed design of the new staircase, you are advised that a metal balustrade of a simple design may be considered more favourably by the City Council. Detail of the new balustrade must be submitted as per Condition 2. You are advised to refer to the City Council's 'Repairs and Alterations to Listed Buildings' Supplementary Planning Guidance (1995).
- 3 **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.

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.