

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 13 December 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	44 South Eaton Place, London, SW1W 9JJ		
<b>Proposal</b>	Demolition of later additions to rear elevation and construction of new three storey extension with lower ground conservatory.		
<b>Agent</b>	Mittleman Associates Ltd		
<b>On behalf of</b>	Mrs Munira Al Misnad		
<b>Registered Number</b>	16/05872/FULL	<b>Date amended/ completed</b>	22 June 2016
<b>Date Application Received</b>	22 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

44 South Eaton Place is an unlisted stock brick and stucco, 19<sup>th</sup> century terraced townhouse, located within the Belgravia Conservation Area. It is four storeys over basement, with mansard roof storey and is located within and contributes positively to the character of the Belgravia conservation area.

The application is for rear extensions from lower ground to first floor level. Large, full-width extensions are proposed at lower ground and ground floor levels, with an additional conservatory at lower ground and a half width extension at first floor level with canted bay to the rear. This would cut across and extend out beyond the line of the existing closet wing.

The property already has substantial rear extensions and permission was refused in 2013 for larger rear extensions at this property which were poorly detailed and resulted in a full width extension at first floor level (RN: 13/05236). However, the current scheme would no longer extend across the full width of the rear elevation at first floor and the new extension will be the same depth as those permitted to the adjoining property at no. 42 which has large extensions of similar design to those now proposed on this site. A number of nearby properties also have substantial extensions of various designs, meaning there is little consistency to the rear elevations of the terrace.

Following officer advice, the proposals have been amended, so that the extension at first level does not

include the previously proposed obscure glazed link, which was considered to be an uncharacteristic and unsympathetic detail. As proposed, the new extensions will not project out beyond the line of extensions permitted to no 42. They will also be in stock brick with timber windows, matching the existing materials to the rear elevation of the terrace. As such, given the location to the rear and the lack of consistency or discernible rhythm of extensions to the rear elevation of this terrace, on balance, these proposals are now considered acceptable in design terms and accord with the advice set out in Unitary Development Plan policies DES 5 (alterations and extensions) and DES 9 (conservation areas).

An objection has been received from the adjoining residential occupiers at 46 South Eaton Place on the grounds that the proposals would result in a loss of light to their rear windows, particularly the kitchen at ground floor level and living room at first floor. Accordingly, the applicant has carried out an assessment on surrounding properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice".

The BRE guidelines suggest that a 27% Vertical Sky Component (VSC) is indicative of a 'good level' of daylight. The BRE guidelines state that daylight levels may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. Should windows achieve sufficient levels of VSC they are seen as compliant in terms of daylight. Of the 54 windows tested at 40, 42, 46 and 48 South Eaton Place, one transgression is noted to a window at basement level at 46 South Eaton Place, with a reduction in VSC of 28%. The affected window is a non-habitable room, used for storage, located beneath the rear external staircase. Accordingly, the transgression is not considered to cause an unacceptable loss of amenity and it would not be sustainable to withhold planning permission for this reason.

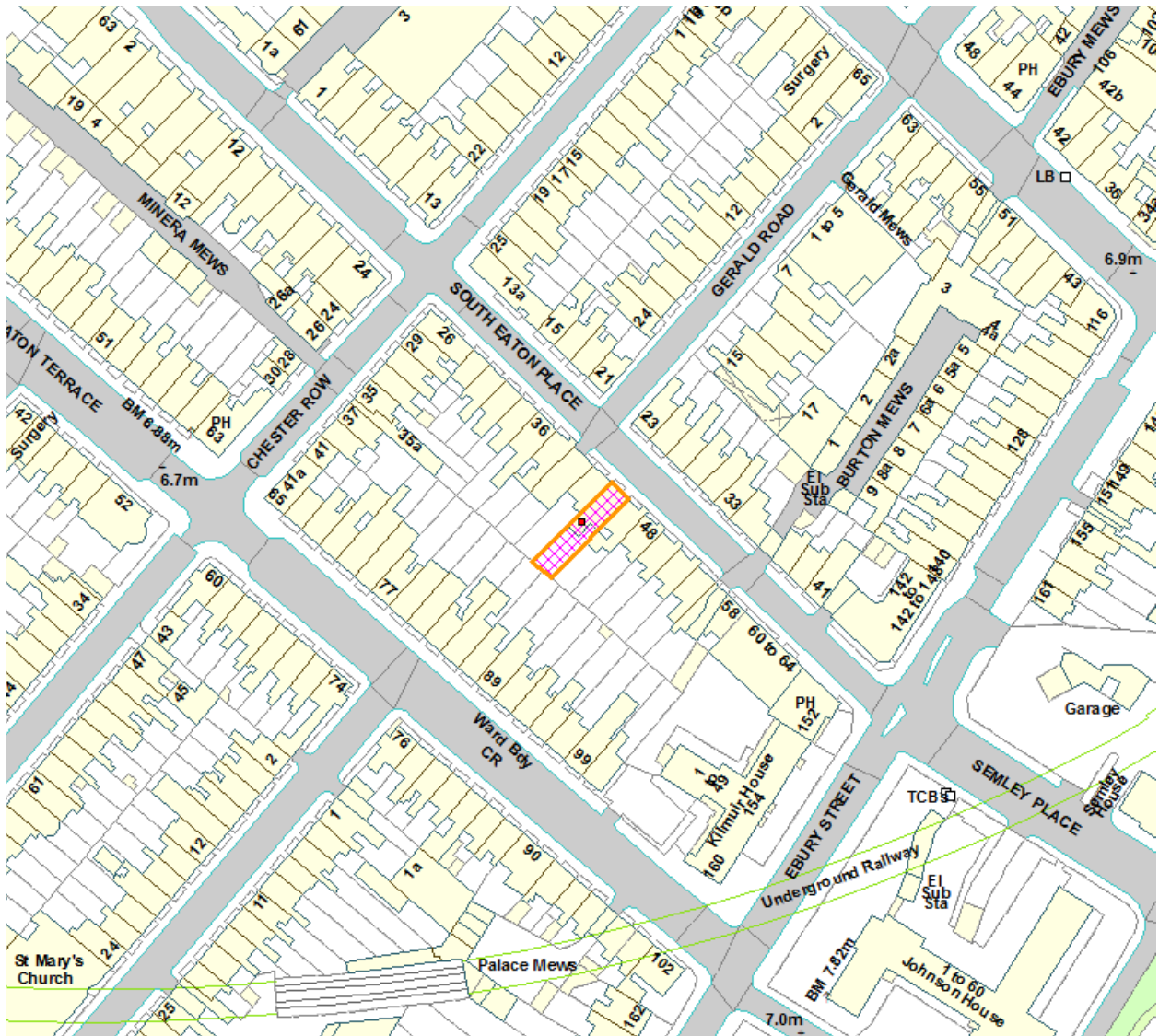
In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. All 48 windows will continue to meet and exceed the BRE's target criteria. Therefore, the proposed development is fully compliant with the BRE guidelines for sunlight.

The proposed extensions are likely to be noticeable from the rear window at ground floor level serving the kitchen and first floor window serving a living room. However, both rooms are dual aspect and it is considered that the proposals would not lead to a material increase in sense of enclosure. As such it is not considered that refusal for this reason could be sustained.

The objector has also raised concerns that the first floor extension would overlook their garden, causing a reduction in privacy. To address this, a condition has been attached ensuring that the glass put in the window on the east elevation must not be clear glass and that it must be fixed permanently shut.

The proposal is considered to comply with the Council's policies in relation to design, conservation, amenity and transport as set out in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



44 South Eaton Place





Rear elevation of 44 South Eaton Place (taken from neighbouring rear garden at 46)

## 5. CONSULTATIONS

### BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

### BELGRAVIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 4

Total No. of replies: 2

No. of objections: 2 (2 replies from neighbour at 46 South Eaton Place)

No. in support: 0

Objection from the occupiers of the neighbouring property at 46 South Eaton Place, raising objection on the grounds of loss of light and overlooking.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. RECENT RELEVANT HISTORY

### 85/03275/FULL

Extensions and internal alterations- revised drawings

Application Granted                      25 October 1985

### 13/05236/FULL

Erection of rear extensions at lower ground and first floor levels, build up of boundary walls at lower ground floor level with No's 42 and 46 South Eaton Place and minor excavation to garden area.

Application Refused                      27 August 2013

## 7. BACKGROUND PAPERS

1. Application form
2. Letters from occupier of 46 South Eaton Place dated 14 July and 29 November 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: DAVID DORWARD BY EMAIL AT DDORWARD@WESTMINSTER.GOV.UK

8. KEY DRAWINGS

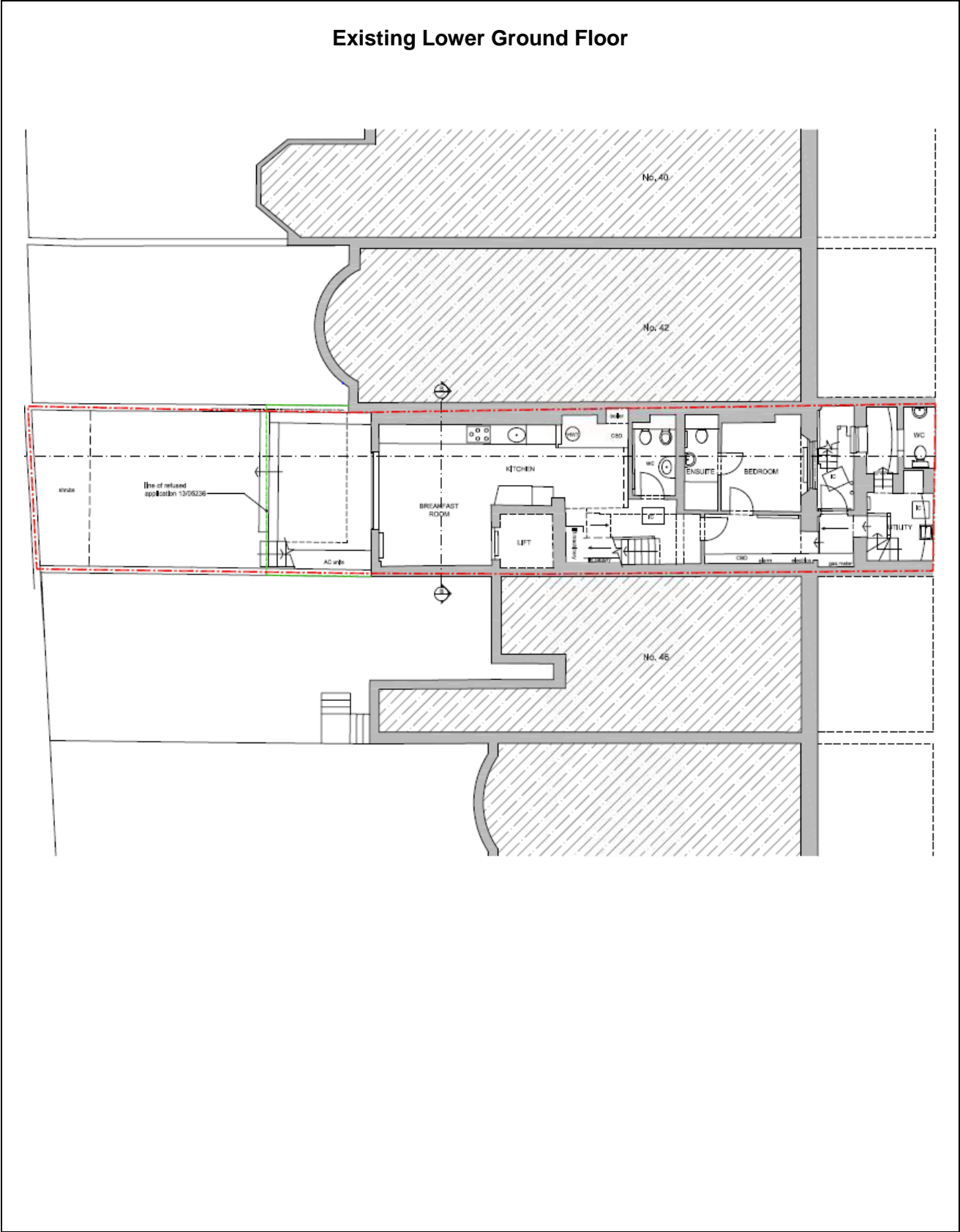


### Proposed Rear Elevation

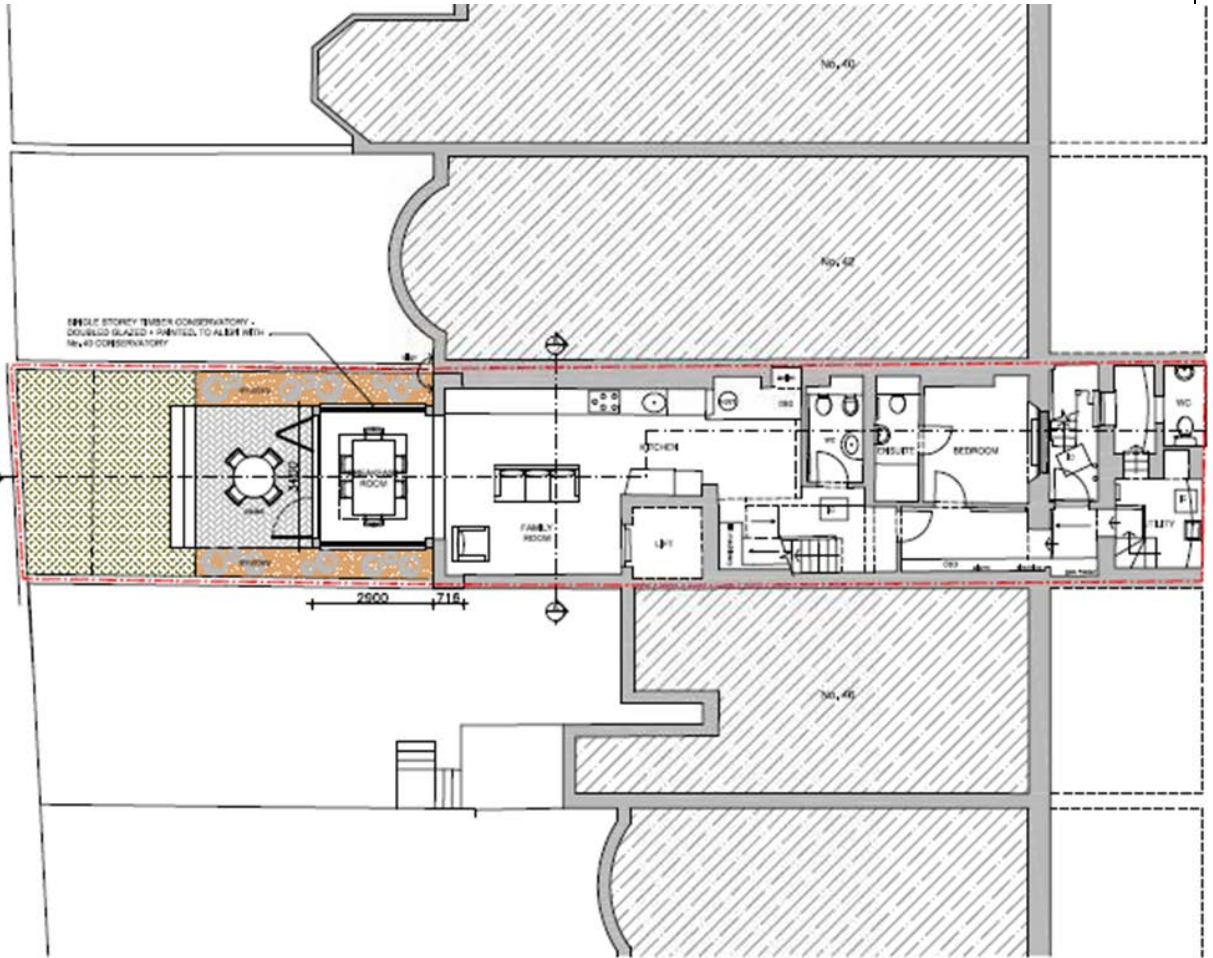




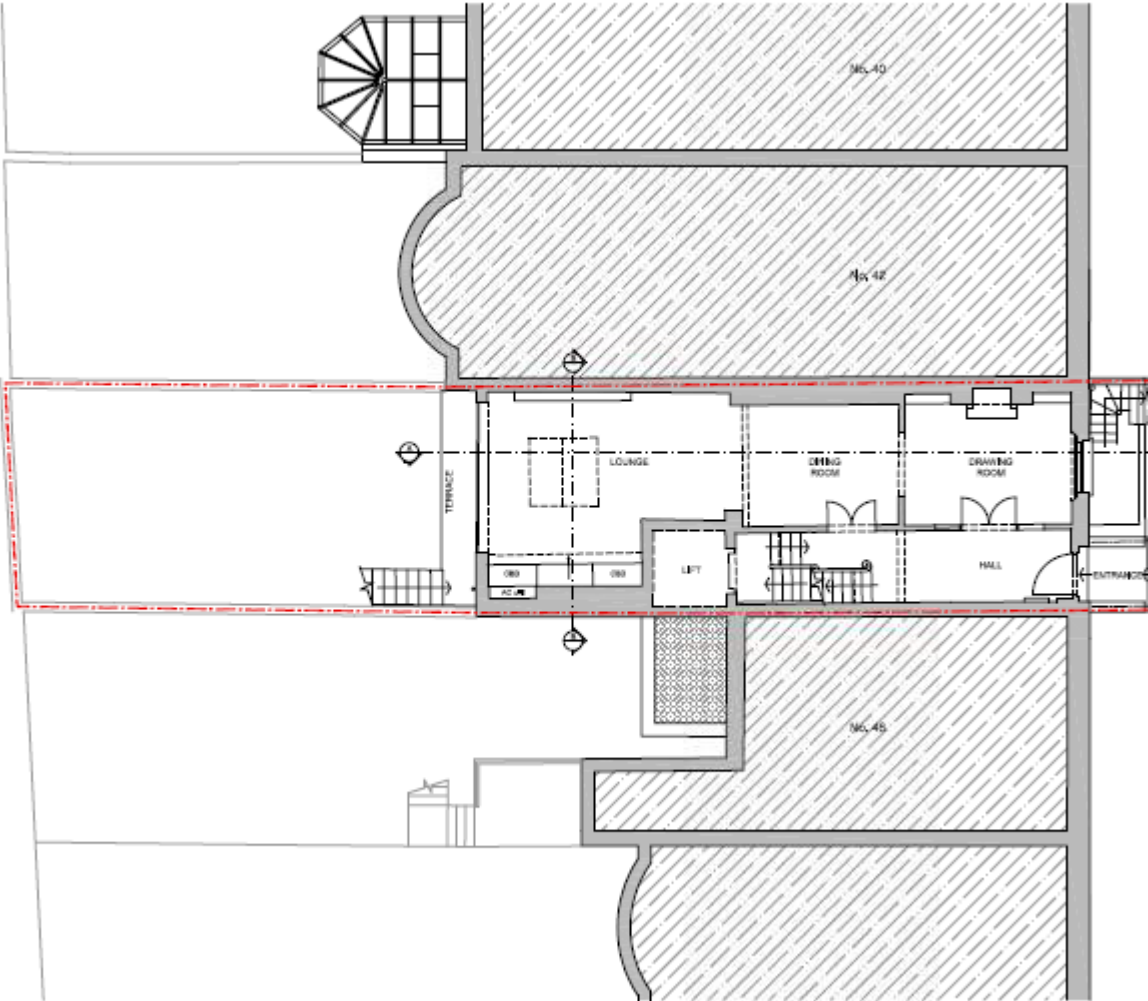
Existing Lower Ground Floor



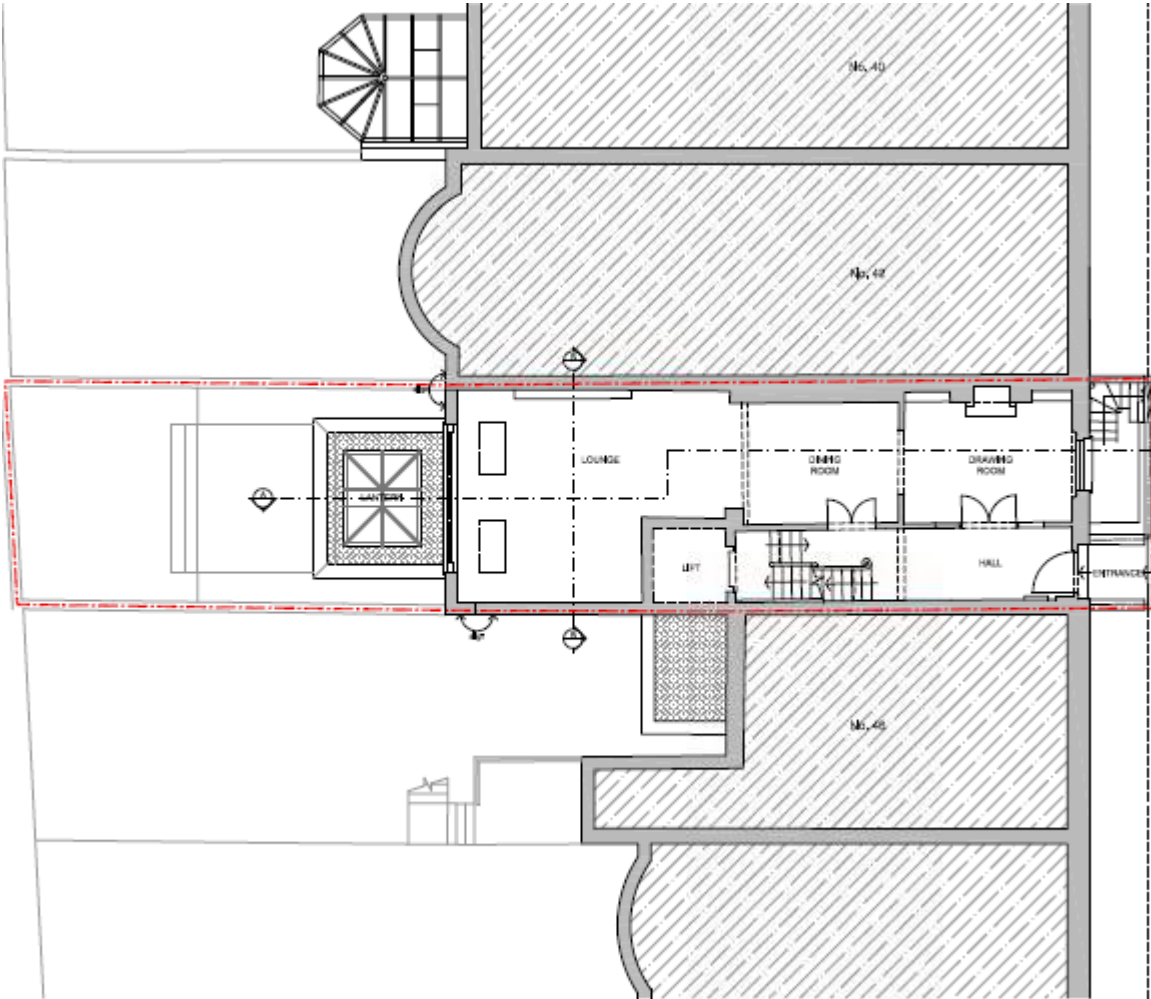
### Proposed Lower Ground Floor



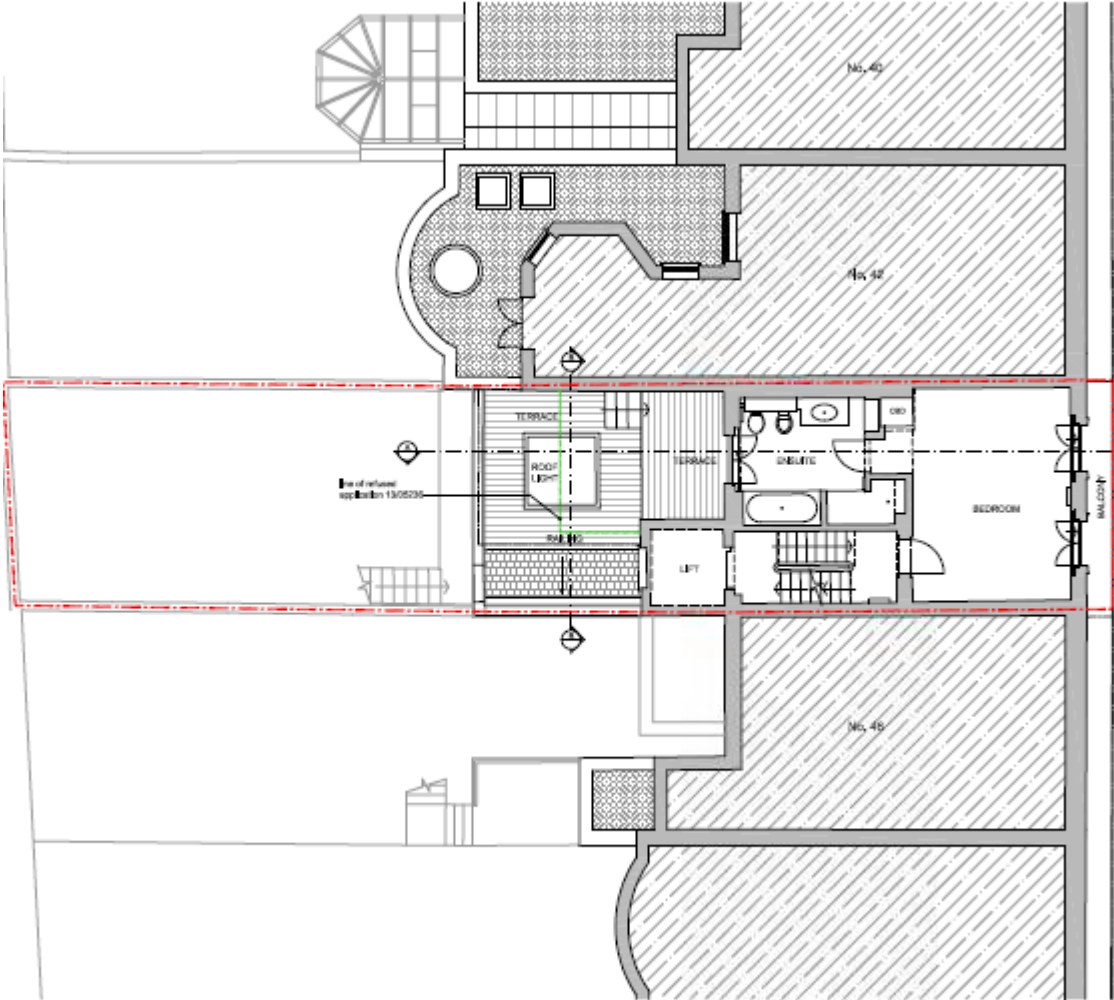
Existing Ground Floor



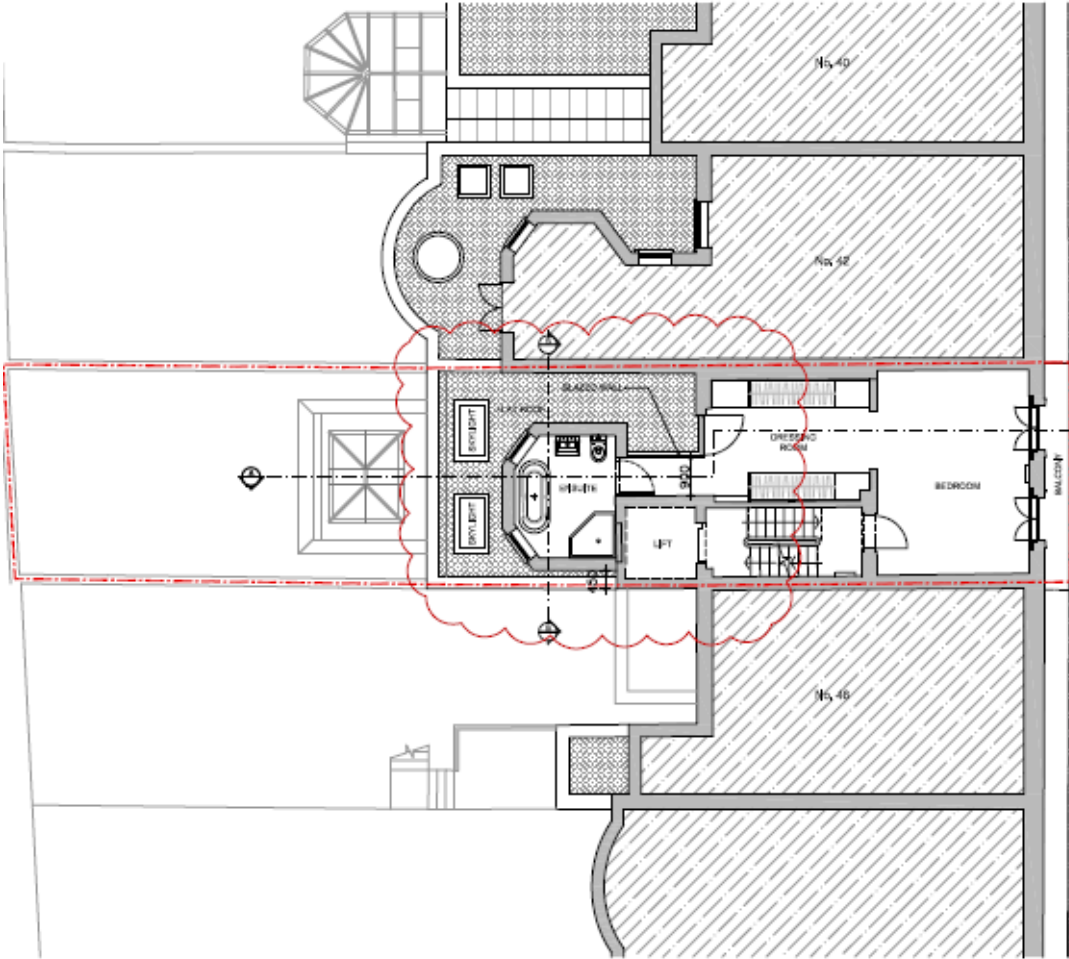
Proposed Ground Floor



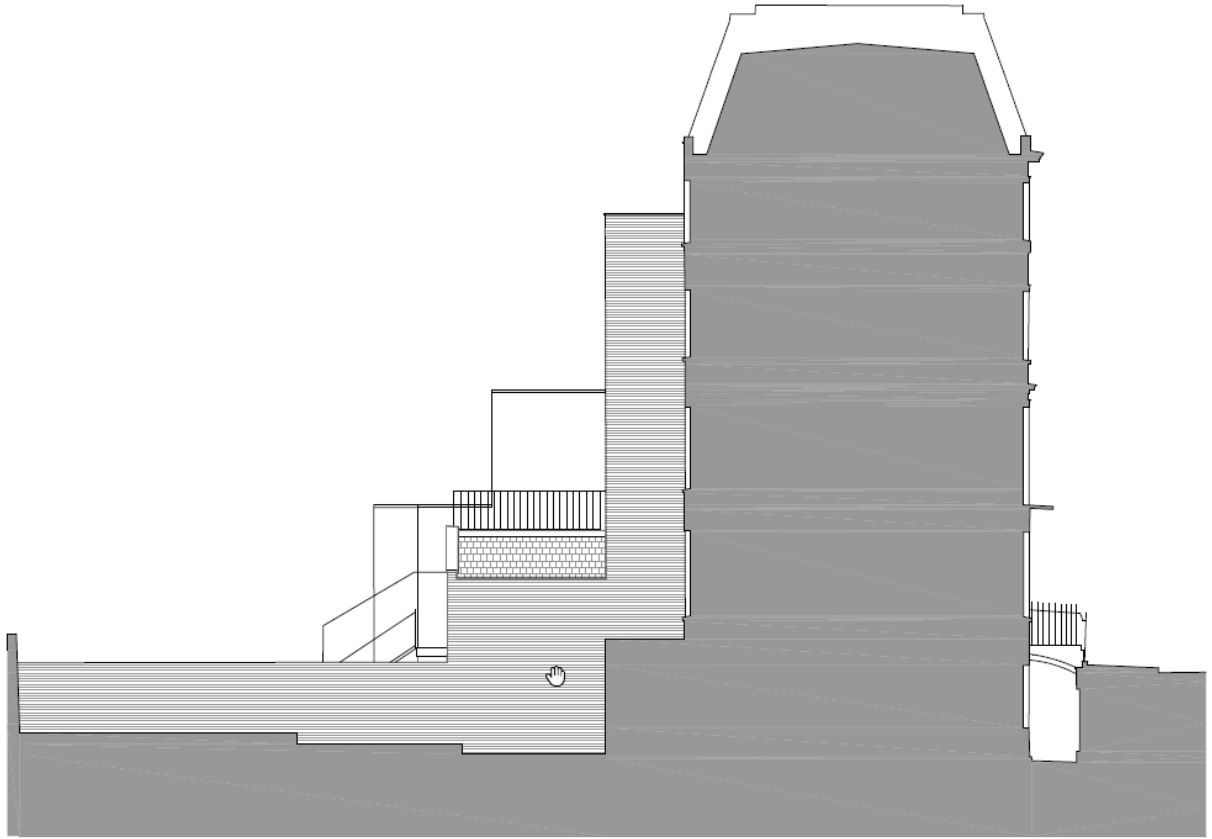
### Existing First Floor Plan



Proposed First Floor Plan

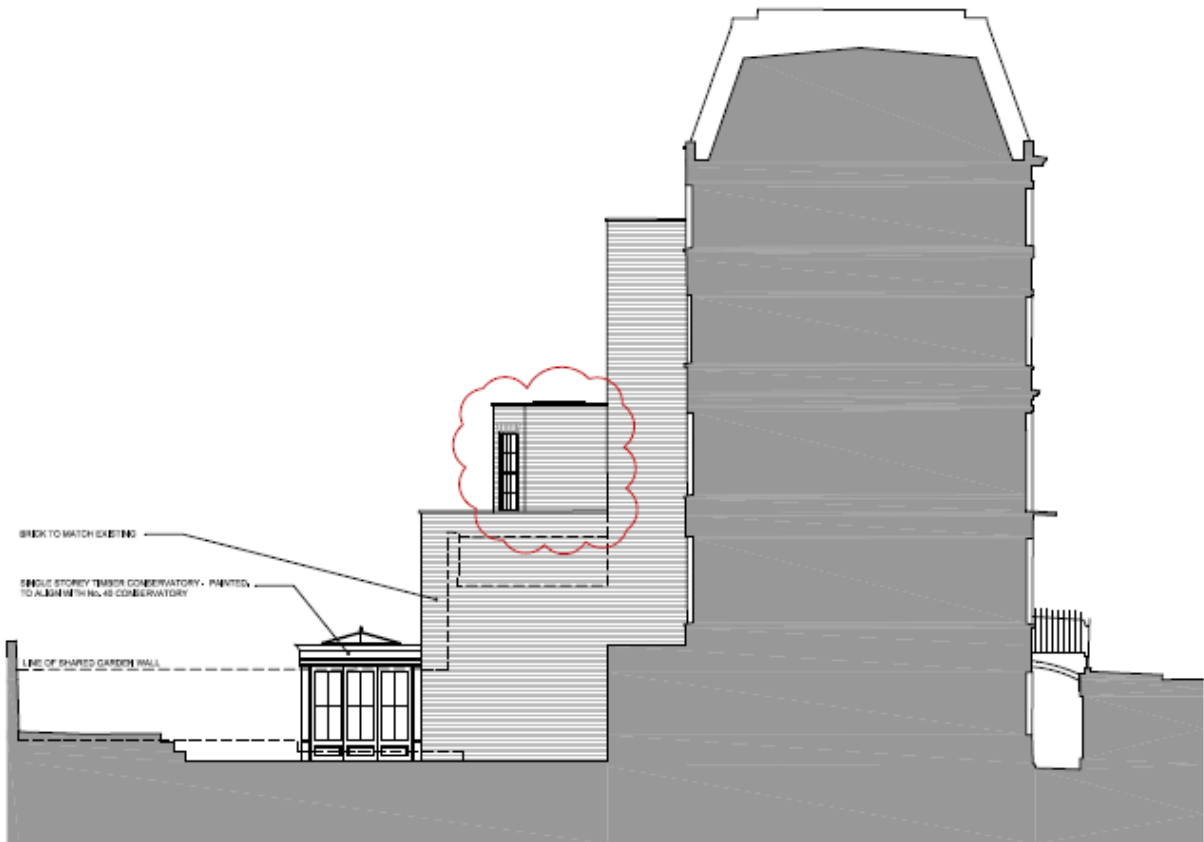






**EXISTING ELEVATION (EAST)**

Proposed Elevation (East)





Photos from neighbour's 1<sup>st</sup> floor rear living room window at 46 South Eaton Place





Photos from neighbour's ground floor kitchen window at 46 South Eaton Place





Affected basement level window at 46 South Eaton Place, with a reduction in VSC of 28%.



**DRAFT DECISION LETTER**

- Address:** 44 South Eaton Place, London, SW1W 9JJ
- Proposal:** Demolition of later additions to rear elevation and construction of new three storey extension with lower ground conservatory.
- Reference:** 16/05872/FULL
- Plan Nos:** PL-00; PL-09; PL-10; PL-11 Rev. C; PL-12 Rev.C; PL-13 Rev.B; PL-14 Rev.B; PL-15 Rev.A; PL-16 Rev.B; PL-17 Rev.B

For Information Purposes:

Daylight and Sunlight Report dated 21 October 2016; Design and Access Statement including Parking Provisions, Tree Works & Heritage Statement dated June 2016

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

**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
- 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 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 Belgravia 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 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia 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 submit detailed drawings at a scale of 1:20 and sections at 1:5 of the following parts of the development:

- i. Windows
- ii. Conservatory

You must not start on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

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 Belgravia 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 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Belgravia 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 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- omission of fully glazed side wall to first floor extension and replacement with traditionally detailed fenestration.

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 Belgravia 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)

- 8 The glass that you put in the window on the east elevation of the extension at first floor level must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 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 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.