

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 1 August 2017	<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>Edison House, 223 - 231 Old Marylebone Road, London, NW1 5TH</b>		
<b>Proposal</b>	Erection of a roof extension to form new sixth floor level for use as Class B1 office floorspace with mechanical plant within recessed enclosure at roof level.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Edison House Ltd		
<b>Registered Number</b>	17/03361/FULL	<b>Date amended/ completed</b>	7 June 2017
<b>Date Application Received</b>	19 April 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		

## 1. RECOMMENDATION

Refuse permission – on design grounds.

## 2. SUMMARY

The application site does not contain any listed buildings and is not within a conservation area; although the site is immediately adjacent to the boundary of the Portman Estate Conservation Area to the north east and the Molyneux Street Conservation Area to the south east. The site is also located within the immediate setting of four Grade II listed buildings, including St. Mark's Church and the Roman Catholic Church of Our Lady of the Rosary and the attached presbytery.

The application seeks permission for the erection of a single storey roof extension to form new sixth floor level for use as Class B1 office floorspace, with mechanical plant currently within a roof level enclosure, relocated to the new roof level within a new recessed enclosure.

The key issues in this case are:

- The acceptability of providing additional Class B1 office accommodation in this location.
- The impact on the appearance of the building and the setting of the neighbouring conservation areas and listed buildings.

- The impact on the amenity of neighbouring residents.

Whilst the proposed development is acceptable in land use, amenity, environment and transportation terms, the proposed extension and associated alterations would have an adverse impact on the appearance of the building and the setting of the neighbouring Portman Estate and Molyneux Street Conservation Areas. The proposals would be contrary to Policies DES1, DES6 and DES9 in the Unitary Development Plan adopted in January 2007 (the UDP) and Policies S25 and S28 in Westminster's City Plan adopted in November 2016 (the City Plan). Accordingly, it is recommended that permission is refused for the reason set out in the draft decision letter appended to this report.

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

#### 4. PHOTOGRAPHS



Front elevation (top) and rear of top of existing building as seen from Molyneux Street (bottom).

## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Objection on grounds the building is already a completed composition and proposed roof extension appears too tall and top heavy in comparison to its immediate neighbours. Design is asymmetric, which is uncomfortable. Concern regarding the impact on Molyneux Street, where the extension would be particularly conspicuous in views from the conservation area.

### CLEANSING MANAGER

No objection subject to a condition requiring details of waste and recycling storage provision.

### ENVIRONMENTAL HEALTH

No objection, subject to recommended conditions to prevent noise and vibration from proposed mechanical plant.

### HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 147.

Total No. of replies: 8.

No. of objections: 8.

No. in support: 0.

Eight emails/ letters received from seven respondents raising objection on all or some of the following grounds:

#### Design

- Edison House is already the tallest building surrounding Watsons Mews and Crawford Street and extension would make it appear top heavy.
- Extended building would overwhelm and dominate the two storey mews houses to the rear.
- External appearance is out of keeping with other buildings in Old Marylebone Road and this will be exacerbated by addition of an extra storey.
- Additional mass would be detrimental to the street scene.
- Increase in building height and roofline would be clearly visible from the adjacent conservation area and would have a negative and inappropriate impact on the surrounding area/ vista.

#### Amenity

- Loss of daylight and sunlight to neighbouring residential properties.
- Noted that a two storey side extension to No.1 Watsons Mews was refused on loss of daylight/ sunlight grounds.
- Increased overlooking.
- Noise and congestion will have an adverse impact on neighbouring business occupiers.

- Developer has previously changed the colour of the building to black reducing light reflected to neighbouring properties.
- Increased noise pollution and disturbance from mechanical plant.

#### Other Matters

- Noise and general disturbance from construction works.
- Note that Watsons Mews to the rear is a privately owned and maintained road for use by residents of the mews houses only. Access to the site for construction would therefore have to be from Old Marylebone Road.
- No construction works should take place on a Sunday and no evening working as it is a residential area.
- Concerned that the standard of workmanship will not be high as paint peeled off building shortly after it was painted black.
- Document on website are inaccessible (officers have since resolved this issue).

#### PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site does not contain any listed buildings and is not within a conservation area; although the site is immediately adjacent to the boundary of the Portman Estate Conservation Area to the north east and the Molyneux Street Conservation Area to the south east. The site is also located within the immediate setting of four Grade II listed buildings, including St. Mark's Church and the Roman Catholic Church of Our Lady of the Rosary and the attached presbytery.

The site is located within the Central Activities Zone (CAZ), but is not located within the Core CAZ, an Opportunity Area or one of the Named Streets. The site lies within the Marylebone and Fitzrovia area of the CAZ.

### 6.2 Recent Relevant History

#### 08/01762/FULL

Replacement of existing rear single storey ground floor level extension, erection of infill extension to side elevation lightwell between second and fifth floor levels, erection of extension to rear at fifth floor level and new lift overrun and installation of new mechanical plant within an enclosure at roof level, with associated external alterations including replacement of windows, insertion of new window openings, cladding of fire escape staircase to rear elevation, installation of sunscreens and brise soleil to rear windows, creation of access ramp to front entrance and landscaping of forecourt to front elevation at ground floor level, in connection with refurbishment of existing office accommodation (Class B1).

Application Permitted

30 April 2008

#### 09/03215/FULL

Alteration and extension at rear fifth floor level with associated railings, infill extension to side (west) elevation between second and fifth floor levels, new canopy to front elevation, cladding to single storey rear addition, installation of replacement aluminium windows, creation of lightwell to rear within existing single storey extension, new bicycle stands and hard landscaping to front forecourt, creation of roof access stair and installation of mechanical plant behind acoustic screen at roof level and associated other minor external alterations in connection with continued use as offices (Class B1).

Application Permitted 10 July 2009

#### 10/03026/FULL

Alterations to existing single storey rear extension, erection of infill extension to side elevation lightwell between second and fifth floor levels, erection of extension to rear at fifth floor level and new lift overrun and installation of new mechanical plant within an enclosure at roof level, with associated external alterations including replacement of windows, insertion of new window openings and relandscaping of forecourt to front elevation at ground floor level including new paving, bin stores, cycle parking, seating and retractable bollards. Works in connection with refurbishment of existing office accommodation (Class B1).

Application Permitted 20 July 2010

#### 10/09311/NMA

Amendments to planning permission dated 20 July 2010 (RN: 10/03026) for alterations to existing single storey rear extension, erection of infill extension to side elevation lightwell between second and fifth floor levels, erection of extension to rear at fifth floor level and new lift overrun and installation of new mechanical plant within an enclosure at roof level, with associated external alterations including replacement of windows, insertion of new window openings and relandscaping of forecourt to front elevation at ground floor level including new paving, bin stores, cycle parking, seating and retractable bollards (works in connection with refurbishment of existing office accommodation (Class B1)); namely, the installation of black mounted grills to existing window openings and to existing low level plinth to front elevation of building.

Application Permitted 24 November 2010

## 7. THE PROPOSAL

The application seeks permission for the erection of a single storey roof extension to form new sixth floor level for use as Class B1 office floorspace, with mechanical plant currently within a roof level enclosure, relocated to the new roof level within a new recessed enclosure. The scheme would deliver an additional 342m<sup>2</sup> (GIA) of Class B1 office floorspace as set out in the table below.

	Existing GIA (m <sup>2</sup> )	Proposed GIA (m <sup>2</sup> )	+/-
Class B1 Offices	2,590	2,932	342
Total	2,590	2,932	342 (+13%)

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Given the location of the site within the Marylebone and Fitzrovia area of the wider CAZ, the relevant policies in the City Plan are Policies S1, parts (1) and (2), and Policy S8. In land use terms, Policy S1 supports the provision of a mix of uses within the CAZ. Policy S8 supports the provision of new commercial uses within the Named Streets in Marylebone and Fitzrovia and outside the Named Streets, such as is the case in this application, it states that:

*'... new commercial uses will not generally be appropriate unless they provide services to support the local residential community in that part of the Central Activities Zone'.*

Policy S20 relates to all proposals for Class B1 office developments across the City and it mirrors Policy S1 in that it identifies that new office development should be directed to the Opportunity Areas, the Core CAZ, the Named Streets and the North Westminster Economic Development Area (NWEDA).

The site is not within any of these areas where Class B1 office floorspace growth is explicitly supported, but it is recognised that it is within 150 metres of the Paddington Opportunity Area, two Named Streets (Edgware Road and Marylebone Road) and the NWEDA. Given the close proximity of the site to these areas where office growth is supported, the predominantly commercial nature of the south side of Old Marylebone Road in this location and as the building is already in lawful office use, it is considered that the current case represents an exceptional circumstances where extension of the existing office building is acceptable in land use terms, subject to its impact in design and amenity terms.

## 8.2 Townscape and Design

The proposed roof extension would increase the height of the building by 4.8 metres from 24.4 metres to 29.1 metres (excluding existing and proposed plant enclosures and the front parapet that is incorrectly shown as existing on the front elevation). Whilst it would be set back 1.6 metres from the front elevation of the building, it would rise sheer from the side and rear elevations. The front parapet is proposed to be raised by approximately 1.3 metres in height to partially screen the proposed roof extension in views from the front of the site. To the rear it is proposed to extend the existing external open fire escape staircase up to the new sixth floor level. In terms of its detailed design and materiality, the proposed extension would include large expanses of glazing in aluminium frames with sliding doors to the front elevation providing access onto a small office terrace and an off centre horizontal 'slot' of glazing to the rear elevation. The extension would otherwise be a relatively simple rectilinear form which the applicant describes as being clad in 'in situ concrete' finished to match the existing building, which is presumed to indicate that this would be painted dark grey.

In design terms the concerns of the Marylebone Association and neighbouring residents regarding the height, bulk and form of the proposed roof extension are shared by officers. Whilst there may be scope for a modest addition to the existing building at roof level, the proposed extension would rise sheer from the side and rear elevation and increase the height of the building by 4.8 metres. Given its existing height relative to its neighbours and the significant degree to which the side and rear elevations of the building at a high level are visible in views from surrounding streets, this would mean that the proposed roof



extension would be a highly prominent and disproportionately tall addition to the building above the much shorter existing top floor at fifth floor level (the existing fifth floor level has a floor to ceiling height of approximately 3.5 metres). As a result the roof extension would appear out of scale with the proportions of the existing building in views of the front of the building and as well as harming the appearance of the building itself, this would harm the setting of the Portman Estate Conservation Area, which lies immediately to the north east of the site in Old Marylebone Road.

The form of the proposed extension and its choice of materials are such that, in addition to its bulk and height, it would appear as a discordant and alien structure at the top of the existing building. The existing building, though painted dark grey, has a rendered central section with a surrounding brickwork frame to its front elevation, around which the remaining facade is constructed in brickwork. The proposed roof extension is to be constructed in painted concrete, at odds with the range of facing materials found on the lower floors to the front elevation and lacking in the level of detail that is used on the lower floors to relieve the bulk of the building. The upward extension of the front parapet would detract from the consistent dimension of the brickwork facade around the rendered central element to the front facade and unbalance the composition of the facade. It is also unclear what material is proposed to be used to extend the upward extension of the front parapet.

To the rear the roof extension would rise up sheer from the existing predominantly glazed top storey at fifth floor level. The existing top storey has been deliberately designed to have a more lightweight appearance to terminate the building in a way which reduces the mass of the top floor, particularly in longer views of the rear from surrounding streets within the Molyneux Street Conservation Area. The provision of a predominantly solid addition with an off centre 'slot' of windows above this existing terminating roof storey consisting largely of glazing has the effect of unbalancing the otherwise ordered and symmetrical rear elevation and provides the top of the building with an awkward and top heavy appearance, which is jarring when seen in conjunction with the smaller scale traditional townscape in a number of views from within the Molyneux Street Conservation Area. The harm caused to the setting of the conservation area is exacerbated by the upward extension of the existing external fire escape staircase, which is a crude and functional structure, which also detracts from the appearance of the building.

In terms of the impact on the nearby listed buildings, given that they do not immediately abut the application site, it is not considered that the proposed roof extension would have a specific harmful effect on their setting; rather the harm caused in this case is principally to the appearance of the building itself and the wider townscape impact, particularly on the neighbouring conservation areas, as set out in the preceding paragraphs.

In summary, the proposed roof extension is considered to be unacceptable in design terms due to its bulk, height and detailed design which harm the appearance of the building and the setting of the neighbouring Portman Estate and Molyneux Street Conservation Areas. The proposed development is therefore contrary to Policies DES1, DES6 and DES9 in the UDP and S25 and S28 in the City Plan.

### **8.3 Residential Amenity**

In terms of daylight and sunlight loss, the proposed development would not have a significant impact on existing levels of daylight and sunlight received by neighbouring light

sensitive properties. The applicant has submitted a detailed daylight and sunlight assessment, which identifies that out of 386 windows tested only one neighbouring window serving a kitchen in Oxford and Cambridge Mansions on the opposite side of Old Marylebone Road would suffer a material loss of daylight. This window would suffer a 40% loss of its existing Vertical Sky Component. However, given this is a material impact on a single window and as the flat to which this kitchen window relates will be served by other windows to habitable rooms that would suffer no material loss of daylight as a result of the proposed development, it is not considered that permission could reasonably be withheld on loss of daylight grounds.

The submitted daylight and sunlight report includes assessment of 268 neighbouring windows facing within 90 degrees of south and the report demonstrates that the proposed roof extension would not cause a material loss of sunlight to any neighbouring light sensitive properties. According objections raised on loss of sunlight grounds cannot be supported.

In terms of increased sense of enclosure, the proposed roof extension would increase the height of the existing building. However, the existing building is separated from residential properties on the north west side of Old Marylebone Road by the width of the road and forecourt and this is sufficient to alleviate any significant increase in enclosure to these neighbouring properties. To either side the neighbouring buildings are much lower and have no side windows facing the application site.

To the rear the roof extension would be appreciable from within Watsons Mews and Crawford Place, but given the significant height of the existing building, in views from within the properties in Watsons Mews and Crawford Place the additional height now proposed would be much less appreciable. This is because the existing building already dominates the outlook from the north west facing windows in these properties and the proposed extension would be located above appreciable view from most windows when stood in the centre of the room. The proposed extension would only become more readily appreciable when stood immediately behind the face of the window. Accordingly, whilst the proposed extension would alter the outlook from neighbouring properties to the rear, this would not amount to a significantly increased sense of enclosure.

In terms of overlooking, the windows and terrace proposed to the front of the extension would be set back behind an extended parapet and this along with the significant width of Old Marylebone Road is sufficient to prevent significant overlooking to windows of residential properties on the opposite side of the street. The windows in the side elevation would be at a higher level than the neighbouring property and would not cause and overlooking as a result.

To the rear the windows proposed would be limited to a 'slot' of glazing and would not be floor to ceiling glazing as is already found to the rear at existing fifth floor level, which also has an external terrace for office workers. Given this and as the windows are at a high level, such that views towards much lower neighbouring residential windows could only be achieved when stood close to the face of the window. Therefore the proposed windows would not result in a material increase in overlooking relative to the existing situation and permission could not reasonably be withheld on this ground.

The upward extension of the escape staircase to the rear is not objectionable in amenity terms given that it is only to be used in an emergency and is an unenclosed metal framed structure. Had permission been recommended a condition would have been recommended to prevent its use for standing out on except in an emergency.

An acoustic report has been submitted in relation to the mechanical plant proposed at roof level within a sunken plant enclosure. This demonstrates that the plant to be installed within this new enclosure would operate sufficiently below the background noise level so as to accord with Policies ENV6 and ENV7 in the UDP and S32 in the City Plan. Accordingly, the objection raised on noise from mechanical plant cannot be supported.

In summary, the proposed development is acceptable in amenity terms and would accord with Policies ENV6, ENV7 and ENV13 in the UDP and S29 and S32 in the City Plan.

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

Policy TRANS22 in the UDP does not require the provision of car parking for small office developments such as is proposed and the front forecourt of the building already provides a small number of car parking spaces, which can be utilised by those requiring disabled parking. As such, the non-provision of any additional parking is acceptable.

The increase in office floorspace would generate a requirement under Policy 6.9 in the London Plan to provide 4 additional cycle parking spaces. No additional spaces are proposed, but had the application been recommended or approval additional cycle parking could have been sought by condition.

The servicing arrangements for the extended office building would remain as existing and this is not objectionable given the relatively small increase in office floorspace that is proposed.

#### **8.5 Economic Considerations**

The economic benefit of providing additional office floorspace are welcomed, but this does not outweigh the harm caused in design terms as identified in Section 8.2 of this report.

#### **8.6 Access**

The existing access to this office building would not be altered. The proposed office accommodation within the new sixth floor would be served by a lift from ground floor level, which would provide level access.

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

The Cleansing Manager has requested details of how waste from the additional office floorspace proposed would be stored. Currently waste storage is provided at ground level and had the application been considered acceptable in all other regards, a condition would have been imposed to secure details demonstrating that the existing refuse store could accommodate the additional waste and recycling generated by use of the proposed extension.

## 8.8 London Plan

This application does not raise any 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.

The estimated CIL liability of the proposed development based on the floorspace figures submitted by the applicant is £51,300.

## 8.11 Environmental Impact Assessment

The development is of insufficient scale to require the submission of an Environmental Impact Assessment.

## 8.12 Other Issues

Concerns have been expressed regarding the impact of construction works on the amenity of neighbouring residents. Had the application been recommended for approval a condition would have been imposed restricting the hours of works to weekdays between 08.00 and 18.00 (excluding bank holidays) and 08.00 and 13.00 on Saturdays. To restrict the hours of works further would be unreasonable and would likely result in a prolonged overall period of construction.

## 9. BACKGROUND PAPERS

1. Application form.
2. Response from Marylebone Association dated 26 June 2017.
3. Response from Environmental Health dated 14 June 2017.
4. Memo from the Cleansing Manager dated 27 June 2017.
5. Email from a business occupier of 245 Old Marylebone Road dated 15 June 2017.
6. Email and letter from the occupier of 1 Watsons Mews dated 21 June 2016 and 4 July 2017.
7. Email from an occupier of 5L Hyde Park Mansions dated 27 June 2017.
8. Email from an occupier of 5L Hyde Park Mansions dated 25 June 2017.
9. Email from the occupier of Flat 1, Gerrard House, 23 Crawford Place dated 27 June 2017.
10. Email from the occupier of 3 Watson's Mews dated 30 June 2017.
11. Letter from occupier of Harrison Housing, 42-46 St James's Gardens, dated 5 July 2017.

(Please note: All the application drawings and other relevant documents and Background Papers

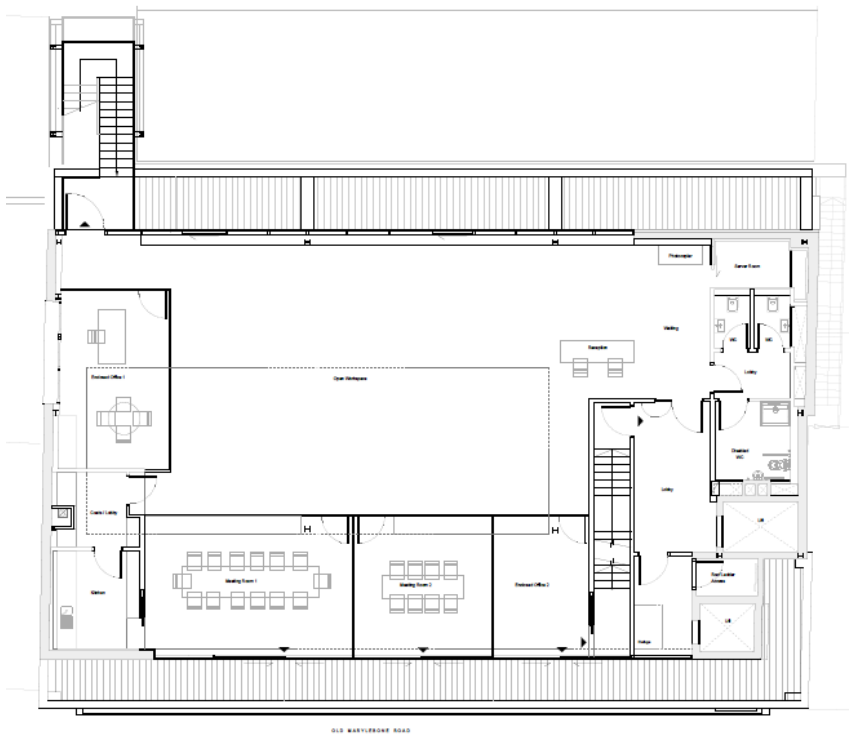
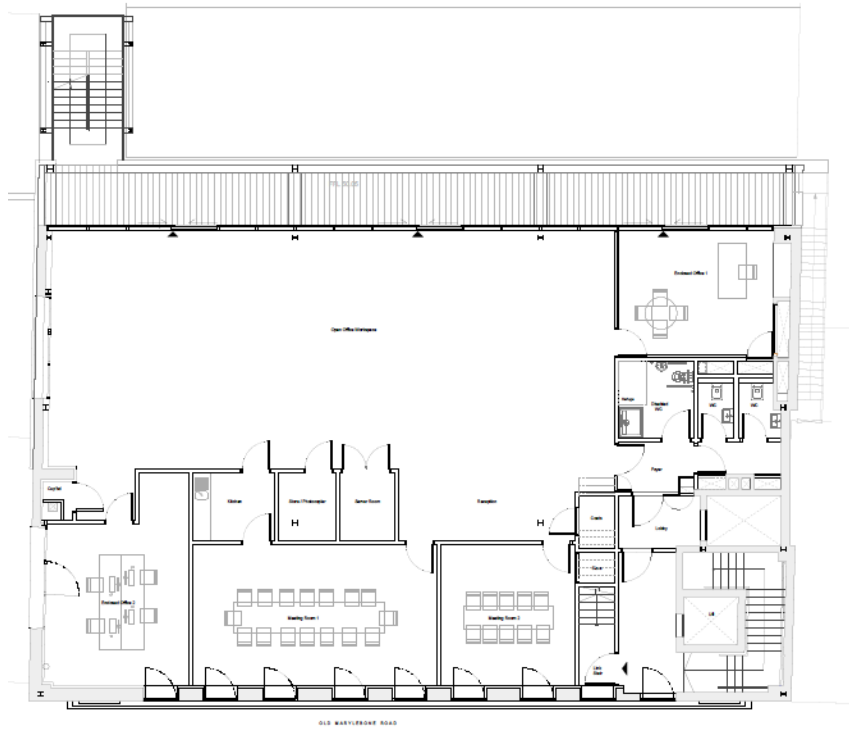
are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT <a href="mailto:ogibson@westminster.gov.uk">ogibson@westminster.gov.uk</a> .
---

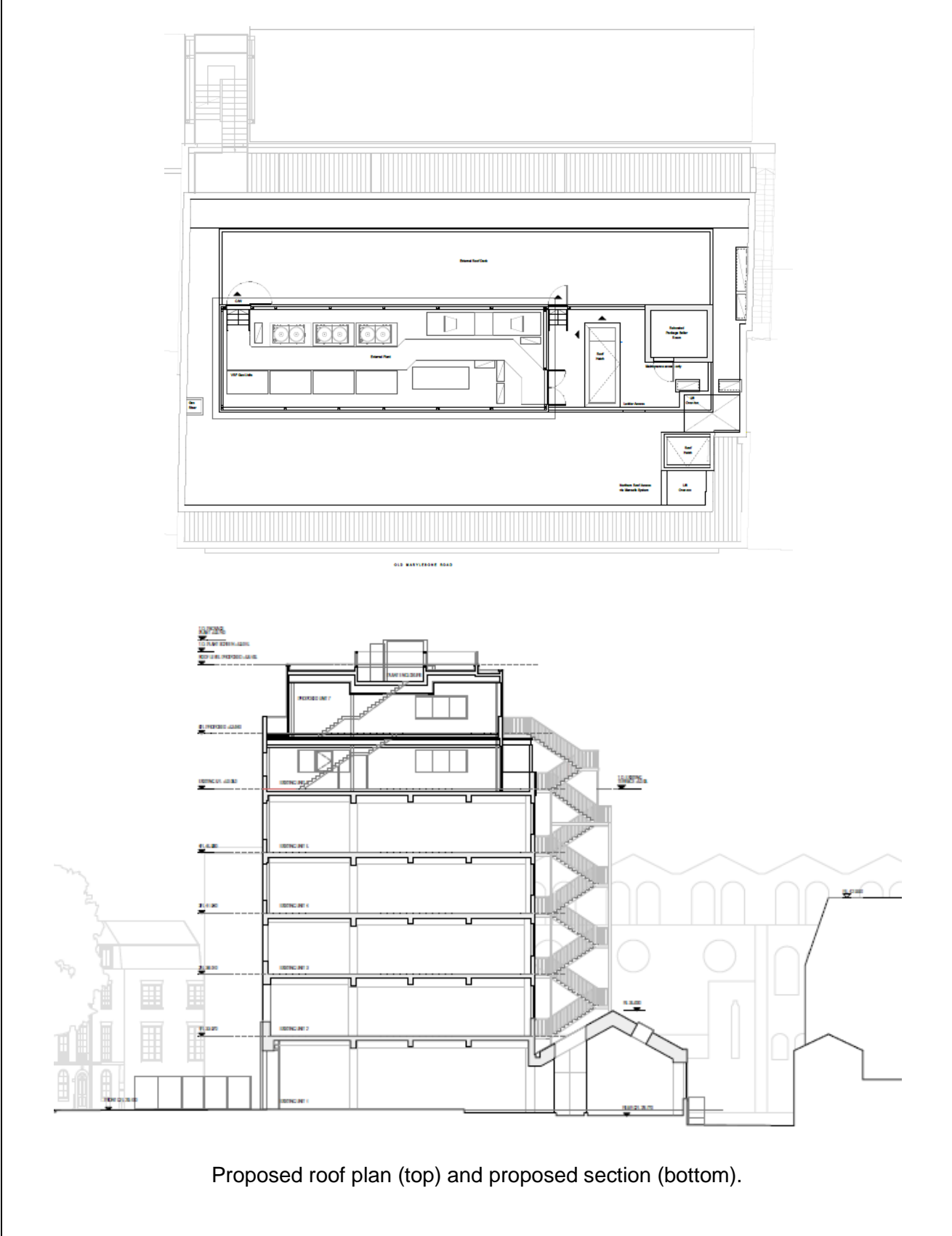
10. KEY DRAWINGS



Photomontage of proposed front elevation (top) and as seen from Molyneux Street (bottom).



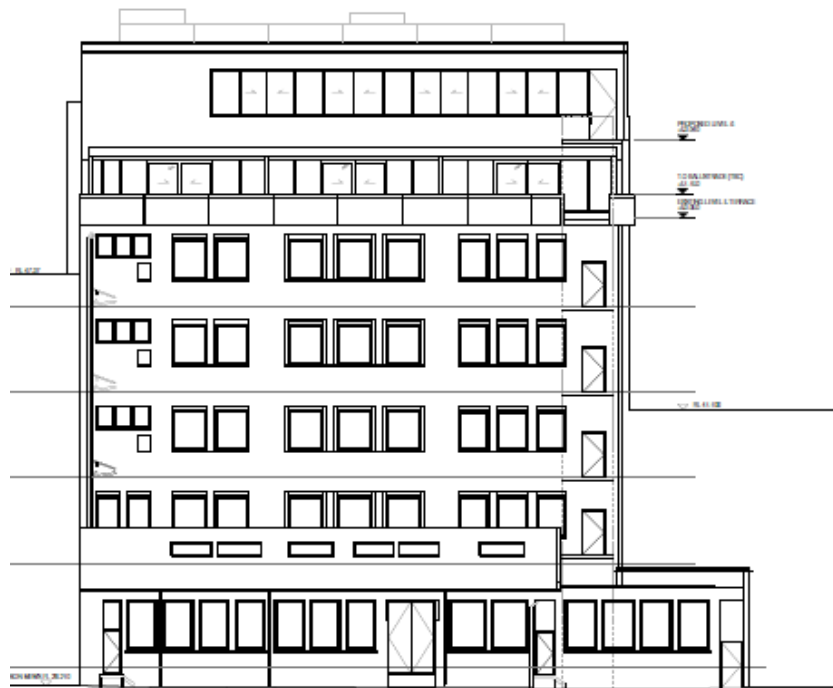
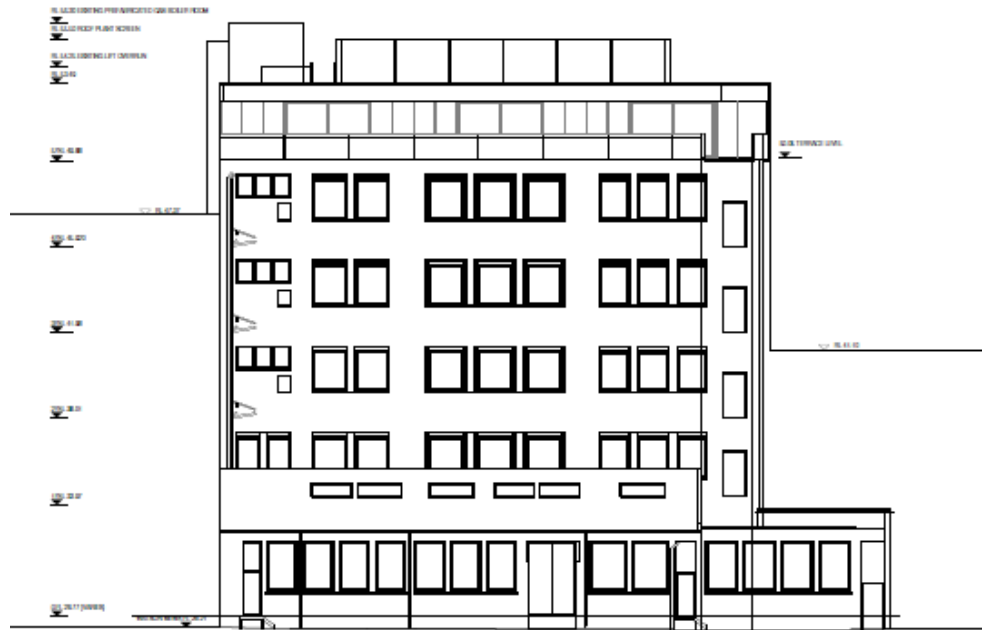
Proposed fifth (top) and new sixth (bottom) floorplans.



Proposed roof plan (top) and proposed section (bottom).







Existing rear elevation (top) and proposed rear elevation (bottom).



**DRAFT DECISION LETTER**

- Address:** Edison House, 223 - 231 Old Marylebone Road, London, NW1 5TH,
- Proposal:** Erection of a roof extension to form new sixth floor level for use as Class B1 office floorspace with mechanical plant within recessed enclosure at roof level.
- Reference:** 17/03361/FULL
- Plan Nos:** EDH-E-10-001, EDH-E-11-001 Rev.P1, EDH-E-11-002 Rev.P1, EDH-E-12-001, EDH-E-13-001, EDH-E-13-002, EDH-E-13-003, EDH-E-13-004, EDH-P-11-001 Rev.P1, EDH-P-11-002 Rev.P1, EDH-P-11-003 Rev.P1, EDH-P-12-001 Rev.P1, EDH-P-13-001, EDH-P-13-002, EDH-P-13-003 Rev.P1, EDH-P-13-004 Rev.P1, Design and Access Statement dated 7 April 2017, Daylight and Sunlight Assessment by GIA dated 6 March 2017, Environmental Noise Assessment dated 6 June 2017 (ref: 103376.ad.Issue1) and letter from DP9 dated 11 April 2017.

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

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

- Reason:
- 1 Because of its the bulk, height and detailed design, the proposed roof extension, including associated alterations to the front parapet and rear escape staircase, would harm the appearance of this building and harm the setting of the adjacent Molyneux Street and Portman Estate Conservation Areas. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 6, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)

**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 (November 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- Significant reduction in the footprint and height of the roof extension.
- Setting in of roof extension from lower floors on the side and rear elevations.
- Adoption of an alternative detailed design that has a more lightweight and contextual appearance and provides a more suitable visual termination to the building.

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.