

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 th December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Landward Court , Harrowby Street, London, W1H 5HB		
Proposal	Erection of a two storey roof extension to provide four additional residential dwellings (Class C3) with external terraces provided at 13 th floor level.		
Agent	Savills		
On behalf of	Heartpride Limited		
Registered Number	17/06912/FULL	Date amended/ completed	2 August 2017
Date Application Received	2 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Had an appeal not been lodged against non-determination, planning permission would have been refused on the following grounds that:

1. the proposed extension would harm the appearance of the building itself, the setting of neighbouring listed buildings and the character and appearance of the adjoining Molyneux Street Conservation Area; and
2. that the proposed development does not provide an appropriate mix of residential units.

2. SUMMARY

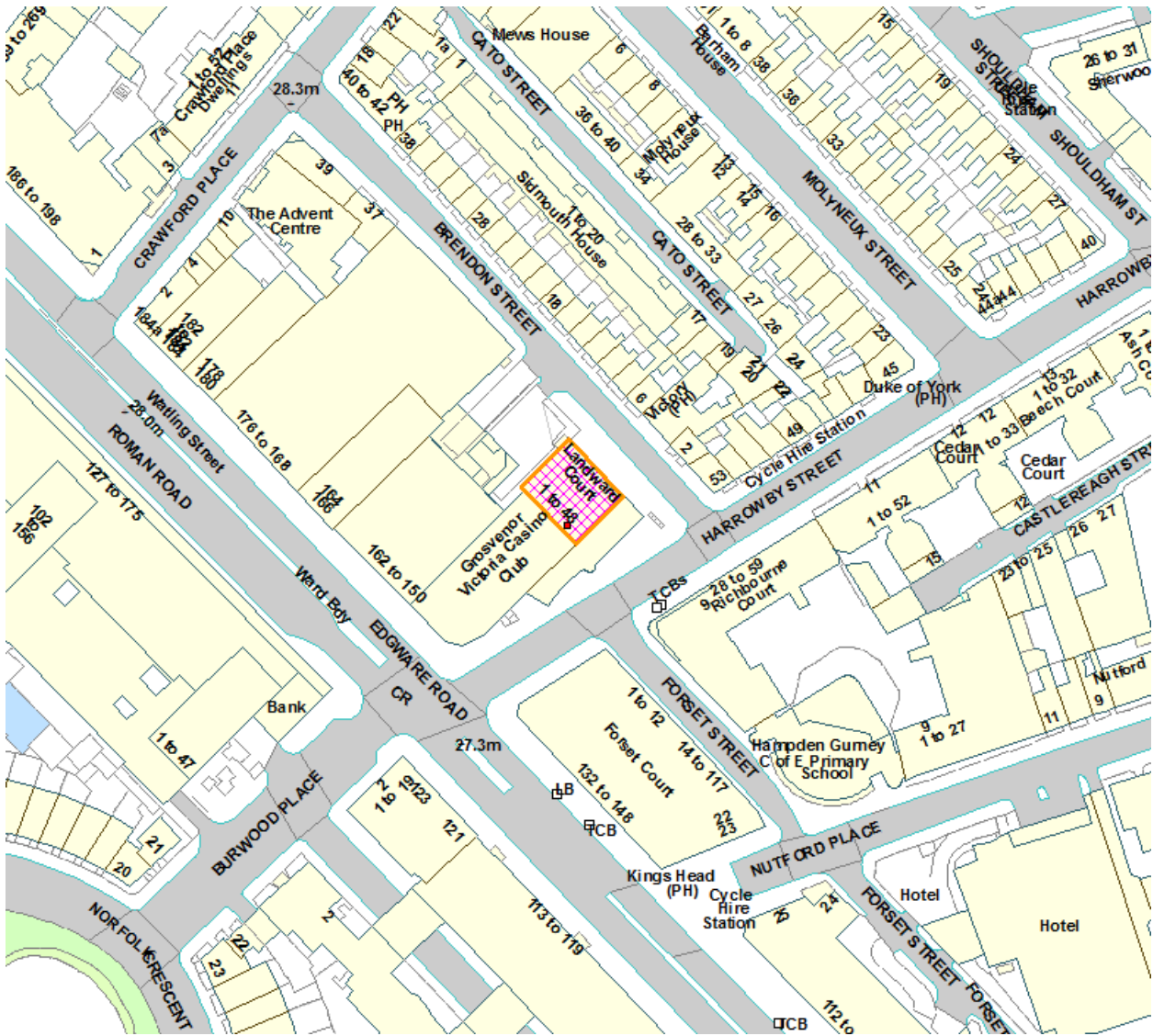
Landward Court is an unlisted 12-storey plus basement and ground floor residential building located outside of any conservation area. The building is prominently positioned on the north side of Harrowby Street with a frontage to Brendon Street to the east. Planning permission is sought for the erection of a two storey extension on the roof of the building to provide an additional four residential units with terraces on the lower floor.

The key issues in this case are:

- * The impact of the proposed works on the appearance of the building and the character and appearance of the neighbouring Molyneux Street Conservation Area and the setting of nearby listed buildings.
- * The acceptability of the mix of residential units.

The proposal is considered unacceptable in design terms in respect of its increased massing and the visibility of this high rise building. It is considered that this proposal would harm the appearance of the building itself, detrimentally affect the character and appearance of the Molyneux Street Conservation Area and the setting of neighbouring listed buildings. It is also considered that the proposed mix of the new residential units is unacceptable as no family sized units are being provided. The application is the subject of an appeal for non-determination. Had the appeal not been lodged, the application would have been recommended for refusal for the reasons outlined above.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Objection on the grounds that insufficient drawings have been provided with regard to the proposed elevations; that the increased height and bulk are harmful to the appearance of the building and that additional plant requirements have not been considered.

CLEANSING MANAGER

No objection subject to conditions.

HIGHWAYS PLANNING

No objection subject to conditions.

BUILDING CONTROL

Requires a Fire Risk Assessment/Strategy.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 526; Total No. of replies: 12 letters of objection on the following grounds:

Design

*Detrimental impact on the character and appearance of the Molyneux Street Conservation Area.

*Detrimental impact upon the design of the building itself.

Amenity

*Negative impact on the levels of daylight and sunlight to neighbouring properties.

*Loss of privacy during construction works.

*Detrimental impact from construction in terms of noise, dust and vehicle movements.

*Overlooking of the occupiers of neighbouring buildings.

Other

*Overdevelopment of the site.

*Impact upon the structural integrity of the building and fire safety issues.

*Increased use of the existing two lifts.

*Increased pressure on on-street parking requirements.

*Potential for the units to be used as short-term lets as opposed to permanent residential accommodation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises basement ground and twelve upper floors, with lift motor room at roof level. The first to floors are in use as 48 flats. Access to the flats is from Brendon Street. There is parking in the basement.

The site is prominently located on the corner of Harrowby Street and Brendon Street and is adjacent to the Molyneux Street conservation area. Buildings on the eastern side of Brendon Street are identified as unlisted buildings of merit in the Molyneux Street Conservation Area Audit. There are Grade II listed buildings located within the immediate vicinity, namely 46- 53 Harrowby Street and a number of buildings on Molyneux Street.

6.2 Recent Relevant History

Planning permission (RN: 03/08068/FULL) was refused on the 2nd December 2003 for the 'erection of 2-storey roof extension to provide 4 residential units each with 3 bedrooms'. The two reasons for refusal were:

'Because of its height and bulk, the proposed extension would harm the appearance of this building, the setting of the adjacent Molyneux Street Conservation Area and this part of the City generally. This would not meet policy DES 3, DES 4, DES 5, DES 6 and DES 7 of our Unitary Development Plan, DES 1, DES 3, DES 5, DES 6, DES 9 and DES 15 of our Replacement Unitary Development Plan (Second Deposit version) and DES 1, DES 3, DES 5, DES 6, DES 9 and DES 15 of our Pre-Inquiry Unitary Development Plan.'

'Because of its height, bulk and design, the proposed extension would harm the setting of the neighbouring grade 2 listed buildings in Harrowby Street, Shouldham Street and Molyneux Street. This would not meet DES 8 of our Unitary Development Plan, DES 10(E) of our Replacement Unitary Development Plan (Second Deposit version), DES 10(E) of our Pre-Inquiry Unitary Development Plan and paragraphs 2.16, 2.17 and 3.5 of Planning Policy Guidance Note 15.'

An appeal against the application was dismissed.

Planning permission (RN: 03/08069/FULL) was refused on the 2nd December 2003 for the 'erection of 2-storey roof extension with associated terraces to provide 4 residential units each with 3 bedrooms'. The two reasons for refusal were:

'Because of its height, bulk and design, the proposed extension would harm the appearance of this building, the setting of the adjacent Molyneux Street Conservation Area and this part of the City generally. This would not meet policy DES 3, DES 4, DES 5, DES 6 and DES 7 of our Unitary Development Plan, DES 1, DES 3, DES 5, DES 6, DES 9 and DES 15 of our Replacement Unitary Development Plan (Second Deposit version) and DES 1, DES 3, DES 5, DES 6, DES 9 and DES 15 of our Pre-Inquiry Unitary Development Plan.'

'Because of its height, bulk and design, the proposed extension would harm the setting of the neighbouring grade 2 listed buildings in Harrowby Street, Shouldham Street and Molyneux Street. This would not meet DES 8 of our Unitary Development Plan, DES 10(E) of our Replacement Unitary Development Plan (Second Deposit version), DES 10(E) of our Pre-Inquiry Unitary Development Plan and paragraphs 2.16, 2.17 and 3.5 of Planning Policy Guidance Note 15.'

An appeal against the application was dismissed.

7. THE PROPOSAL

Permission is sought for the erection of a two storey extension at main roof level creating new 13th and 14th floor levels to allow for the creation of an additional four residential dwellings comprising two bedroom units with a terrace serving each unit at the 13th floor.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

The provision of new residential floorspace is welcomed and would comply with Policies H3 of the UDP and S14 of the City Plan, which seek to maximise the amount of land or buildings in residential use.

The four new residential units equate to 326m², the individual unit sizes are considered acceptable and accord with the minimum sizes set out in the London Plan. The proposed units will have windows to multiple aspects which will ensure a good level of internal light and the ability to naturally ventilate the units.

Policy H5 of the UDP requires that in new developments 33% of the residential units should be family sized (three bedrooms or more) whilst Policy S15 of the City Plan also requires that 'residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs, and creating mixed communities'. The scheme would result in the provision of four, two bedroom units and therefore the proposal would provide no family sized accommodation. This proposal therefore does not accord with the policy requirement and no justification has been provided as to why a deviation from the policy requirement should be allowed. As this is a new build development there appears to be no conceivable reason why the required level of family sized accommodation could not be provided within the scheme. The application is recommended for refusal on this basis.

Affordable housing

As the increase in residential floor space does not exceed 1000m² or 10 additional residential units, there is no policy requirement to provide affordable housing provision, as set out in Policy S16 of the City Plan.

8.2 Townscape and Design

The tower is located immediately adjacent to the boundary of the Molyneux Street Conservation Area which runs down the centre of Brendon Street, encompassing the buildings on its eastern side, all of which are identified as unlisted buildings of merit in the Molyneux Street Conservation Area Audit (2002). There are also grade II listed buildings located close to the proposal site, namely at 46- 53 Harrowby Street and the majority of buildings on Molyneux Street and Shouldham Street.

Planning permission is sought for a two storey copper clad pitched extension at roof level with a 1.1m high glazed balustrade to provide four additional residential units.

The Molyneux Street Conservation Area is characterised by narrow fronted, three storey uniform terraces which date from the early nineteenth century. In contrast, Landward Court is a high rise post-war tower block, which serves to dominate a number of important viewpoints within the adjacent conservation area, particularly the long views from the northern approach on Brendon Street and the eastern approach on Harrowby Street.

The Molyneux Street Conservation Area Audit, adopted in 2002, identifies the site and its immediate surroundings as a negative feature, stating that '*the development on the western side of Brendon Street facing the conservation area is poor with the service entrances and dead space of this modern development contributing little to the street scene and showing no respect to the traditional form of the terraced development opposite.*' Likewise, the tower also serves to dominate the setting of the low rise grade II listed buildings, particularly on Harrowby Street when viewed from the east. The management proposals set out in the audit state that proposals for development adjacent to the conservation area should have regard to its setting, and particularly the impact on views out of the conservation area.

In 2004 the Planning Inspectorate dismissed two appeals for two storey upward extensions to Landward Court. The Inspector supported the City Council's view that Landward Court harms the setting of the Molyneux Street Conservation Area and numerous nearby listed buildings and that the addition of a further two storeys would serve to exacerbate this harm.

Landward Court currently consists of thirteen storeys plus a lift overrun. The lift overrun is set well back from the principal elevations and is not visible from many vantage points. The proposed two storey extension will incorporate the lift overrun, exceeding its height and projecting much further frontwards to all sides. Thus, the additional storeys will be far more visible than the existing overrun and the impact on long views will be greater. The additional storeys will be highly visible from long views within the conservation area, particularly from Brendon Street and Harrowby Street and will increase the massing and visibility of this high rise building. Given that the existing building is considered a negative and unattractive feature, harmful to the setting of the adjacent conservation area and listed buildings, the proposal for a highly visible two storey roof extension is considered unacceptable in principle in design terms.

Further, the proposal for a copper clad extension is also considered wholly inappropriate in this context. In stark contrast to the brick façade of the existing tower and the palette of the adjacent conservation area, the proposed copper cladding will exacerbate the visual impact of the additional storeys and will fail to relate sensitively to the appearance of the existing building, contrary to DES 6 of the UDP which requires roof level extensions to be sympathetic to the existing building's architectural character,

detailing and materials. The pitched roof form is also at odds with the architectural composition of the block. As such, the proposed extension appears incongruous and worsens the appearance of this already unattractive structure.

A number of objections to the scheme have been received, many of which cite the harmful visual impact of the additional two storeys. An objection has also been received from the local amenity society on design grounds. These objections are considered valid for the reasons set out above and refusal is recommended.

The proposal is therefore clearly contrary to DES 5, DES 6, DES 9 and DES 10 of the Council's Unitary Development Plan and the Council's supplementary planning guidance and will fail to preserve the setting of the adjacent Molyneux Street Conservation Area and the adjacent listed buildings, a view which has been supported by the Inspectorate and strong local objection. There are no public benefits to outweigh that harm. The application is therefore recommended for refusal on design grounds.

8.3 Residential Amenity

Sunlight and Daylight

Policy ENV13 of the UDP states that 'the City Council will normally resist proposals that result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.' Policy S29 of the City Plan states that 'the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.'

A number of objectors have expressed concern on the grounds of loss of daylight / sunlight to surrounding sensitive properties. The applicant has not submitted a Daylight and Sunlight Assessment to assess the impact of the proposal, however, in this instance it is not considered one is required. The existing building is already significantly higher than the adjoining buildings, being 13 storeys tall with most surrounding buildings being two to three stories tall. Given the distance and height of the extension from any sensitive windows it is not considered the proposal would have a material detrimental impact upon sensitive windows such that the proposal would be contrary to the relevant City Council policies and the objections on these grounds are not therefore considered sustainable. It is also noted that the two refusals in 2003 for roof extensions to the building were not refused on amenity grounds.

Overlooking

An objection has been received to the application on the grounds of potential overlooking. The objector would appear to live some 80m from Landward Court and given the distance and height of the extension from any sensitive windows, it is not considered the proposal could result in any increase in overlooking of this objector's property, or indeed any other sensitive property such that the development would be considered unacceptable with regard to the relevant City Council policies.

8.4 Transportation/Parking

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased beyond designated 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for 2 spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy during the day is 77%, overnight parking occupancy was measured as being 63% and residents can park for free on metered bays and on single yellow lines. Whilst the provision of residential units without off-street car parking is likely to increase these stress levels on the basis of car ownership levels and spare capacity in on-street parking, any additional on-street parking requirements generated by the proposal can be absorbed by the highway network without increasing the stress levels beyond 80%. The development is therefore considered compliant with the requirements of Policy TRANS23. Whilst objections have been received to the application with regard the potential for the development to result in increased parking pressures on on-street parking availability for the reasons detailed above it is not considered the application is considered acceptable with regard its impact on parking pressures.

'Further Alterations to the London Plan' requires that two cycle parking spaces are provided for every new residential unit with over one bedroom, which means cycle parking spaces should be provided for eight cycles. The Highways Planning Manager has requested a condition be applied to any permission requiring the submission of drawings to show suitable cycle parking in the demise of the building but the applicant advises there is currently no communal cycle store and no capacity for providing any. Taking this into account, it is not considered cycle storage could be conditioned within the demise of the individual residential flats (had the application been considered acceptable).

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The proposed new residential units will be served by the existing lift in the building. Objections have been received to the application in relation to the use of the lifts by the additional four flats and the impact this will have on existing occupiers in the building. This is considered a private matter between the freeholder and the existing leaseholders and it is not a material planning consideration.

8.7 Other UDP/Westminster Policy Considerations

Noise

Standard conditions would have been attached to any approval to ensure that the building structure was sufficient to ensure protection for both the existing and proposed

flats from noise transmission through the building structure and from external noise sources.

Refuse /Recycling

The Cleansing Manager has confirmed that an appropriate condition could be attached to any consent requiring the submission of amended drawings to show appropriate storage facilities for waste and recycling. Had the application been recommended for approval a condition would have been attached as requested.

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 Other Issues

Construction impact

Objections have been received to the application with regard to the potential impact of the construction works on the amenity of existing residents with regard to noise, dust and transportation movements. A condition would have been attached to any permission to ensure compliance with the City Council Code of Construction Practice and a standard condition would also have controlled the hours of building works. With these conditions in place it is considered the impact of the construction would have been ameliorated. An objection was also received in relation to a loss of privacy for existing occupiers in the building resulting from having construction workers at the property. However, the application could not be refused for this reason.

Structural and Fire Safety Issues

Objections have been received in relation to the impact of the extension on the structural integrity of the building. This is a matter for the Building Regulations. Strong concerns have also been raised regarding fire safety and Building Control advise that in order for an assessment on this matter to be made, a fire risk strategy is required. Had the application been recommended for approval such a strategy would have been requested. This is dealt with by informative.

Short-Term Lettings

Concerns have been raised with regard to the potential use of the new units as short term letting accommodation, however, planning permission has been sought for the use

as permanent residential accommodation and any use as short-term letting accommodation would require the benefit of planning permission.

Overdevelopment

An objection has been received commenting on the potential 'overdevelopment' of the site and the corresponding impact upon local services (health, education). Had the proposal been considered acceptable it would have been liable to make the required Community Infrastructure Levy to help deliver infrastructure to support the development.

9. BACKGROUND PAPERS

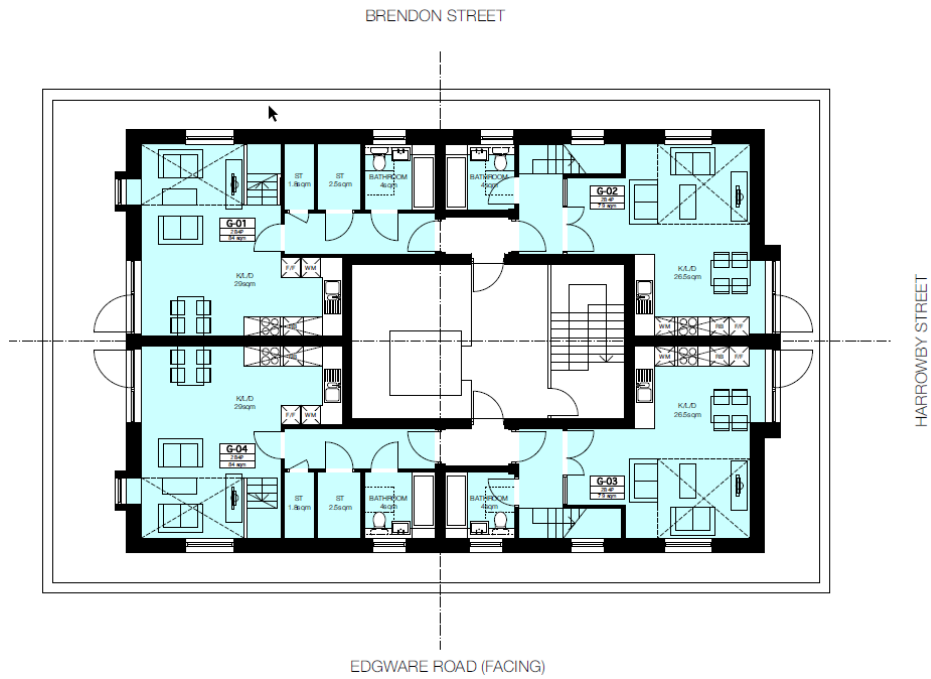
1. Application form
2. Response from Marylebone Association, dated 6 September 2017
3. Memorandum from the Highways Planning Manager dated 14 August 2017
4. Memorandum from the Cleansing Manager dated 18 August 2017
5. Letter from occupier of 2, Brendon St, London, dated 12 August 2017
6. Letter from occupier of 26 Brendon St, London, dated 12 August 2017
7. Letter from occupier of 24 Brendon St, London, dated 12 August 2017
8. Letter from occupier of 18 Brendon St, London, dated 13 August 2017
9. Letter from occupier of 30 Brendon Street, London, dated 13 August 2017
10. Letter from occupier of 43 Park Hall Road, East Finchley, dated 13 August 2017
11. Letter from occupier of 36 Brendon St., London, dated 14 August 2017
12. Letter from occupier of 4 Donald Road, London, dated 14 August 2017
13. Letter from occupier of 6 Molyneux Street, London, dated 14 August 2017
14. Letter from occupier of 7 Molyneux Street, London, dated 18 August 2017
15. Letter from occupier of 17 Cato Street, London, dated 21 August 2017
16. Letter from occupier of 47 Landward Court, Harrowby Street, dated 12 November 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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS

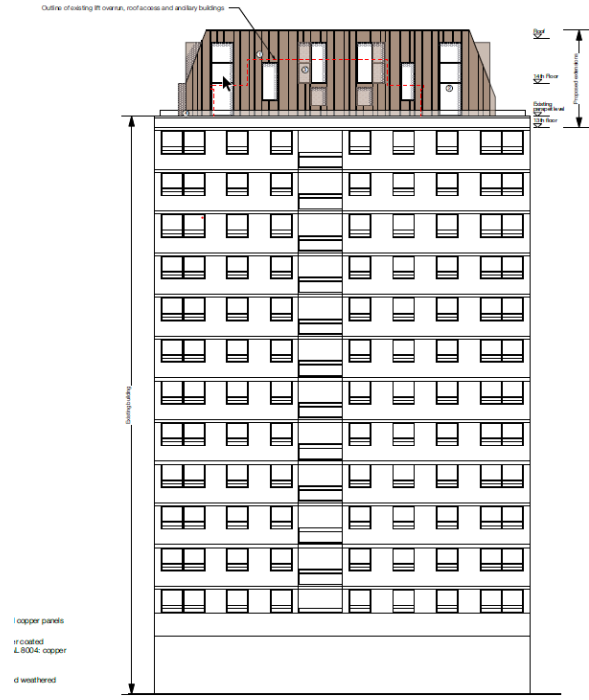
Proposed 13th Floor:



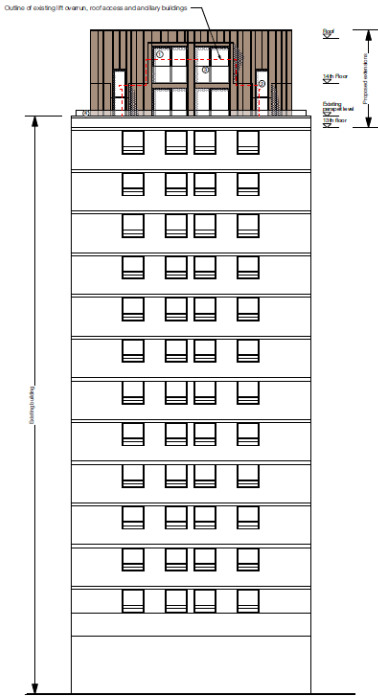
Proposed 14th Floor:



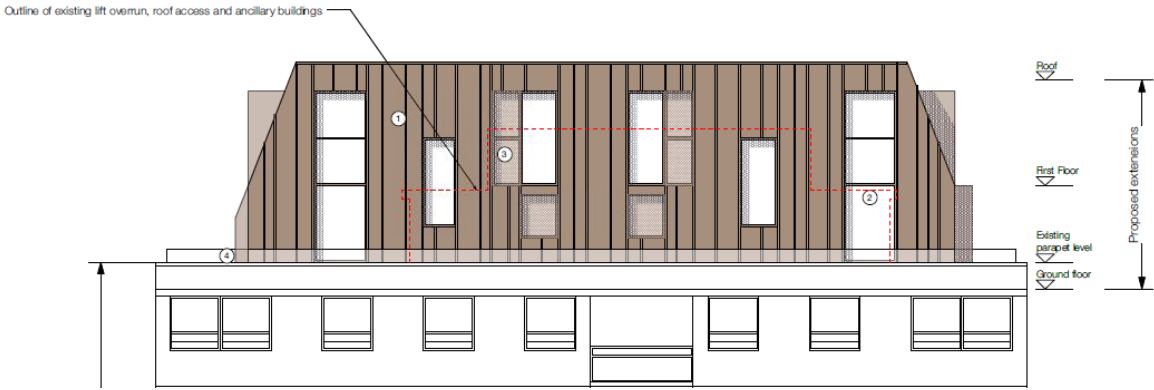
Proposed elevations:



PROPOSED ELEVATION 04: Facing North East (Brendon Street)



PROPOSED ELEVATION 02: Facing North West



DRAFT DECISION LETTER

Address: Landward Court , Harrowby Street, London, W1H 5HB

Proposal: Erection of a two storey roof extension to provide four additional residential dwellings (Class C3) with external terraces provided at 13th floor level.

Reference: 17/06912/FULL

Plan Nos: Drawings: P100 RevP1, P101 RevP1, P200, P201, P202, P203, P204, P205, P206.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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

Because of its height, bulk and design the proposed roof extension would fail to maintain or improve (preserve or enhance) the setting of the neighbouring Molyneux Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (F) of our Unitary Development Plan that we adopted in January 2007.

Reason:

Because of its height, bulk and design the proposed roof extension would harm the setting of the neighbouring grade II listed buildings at 46- 53 Harrowby Street. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 10 (D) of our Unitary Development Plan that we adopted in January 2007.

Reason:

Because of its height, bulk and design the proposed roof extension would harm the appearance of this building and this part of the City. This would not meet S28 of Westminster's City Plan (November 2016) and DES 1 and DES 3, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007.

Reason:

Your development would not provide an appropriate mix of housing units contrary to the requirements of Policies S15 of Westminster's City Plan adopted November 2016 and H5 of the Unitary Development Plan adopted January 2007 which seek to provide a range of residential units including family sized housing. We do not consider that the circumstances of your case justify an exception to our policy.

Informative

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. However, we have been unable to seek solutions to problems as the

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principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

- 2. Had the application been considered acceptable we would have requested the submission of a Fire Risk Assessment to demonstrate adequate means of escape from the extended 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.