

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 June 2018	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>56 Rutland Gate, London, SW7 1PL</b>		
<b>Proposal</b>	Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above (Addendum report).		
<b>Agent</b>	Mr Michael Maan		
<b>On behalf of</b>	Mr Al Marshal		
<b>Registered Number</b>	17/09793/FULL and 17/09794/LBC	<b>Date amended/ completed</b>	30 May 2018
<b>Date Application Received</b>	3 November 2017		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Knightsbridge		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This application was reported to Planning Applications Sub-Committee on 10 April 2018. Committee resolved that the application be deferred in order for the applicant to provide better visuals showing the impact of the extension from the living room of the affected neighbouring property.

The applicant has provided updated images that compare the existing situation with the proposed as seen from the ground floor living room within flat 17, 58 Rutland Gate. The applicant modelled both the application building and the adjoining building to do this. They have taken the views from the centreline of the window to the average height of an adult both standing (1.58 metres) and seated (1.22 metres). The standing view is set 1 metres behind the window plane, and the seated view is set in the centre of the room. The applicant has also carried out further comparative analysis of the current scheme with previous schemes.

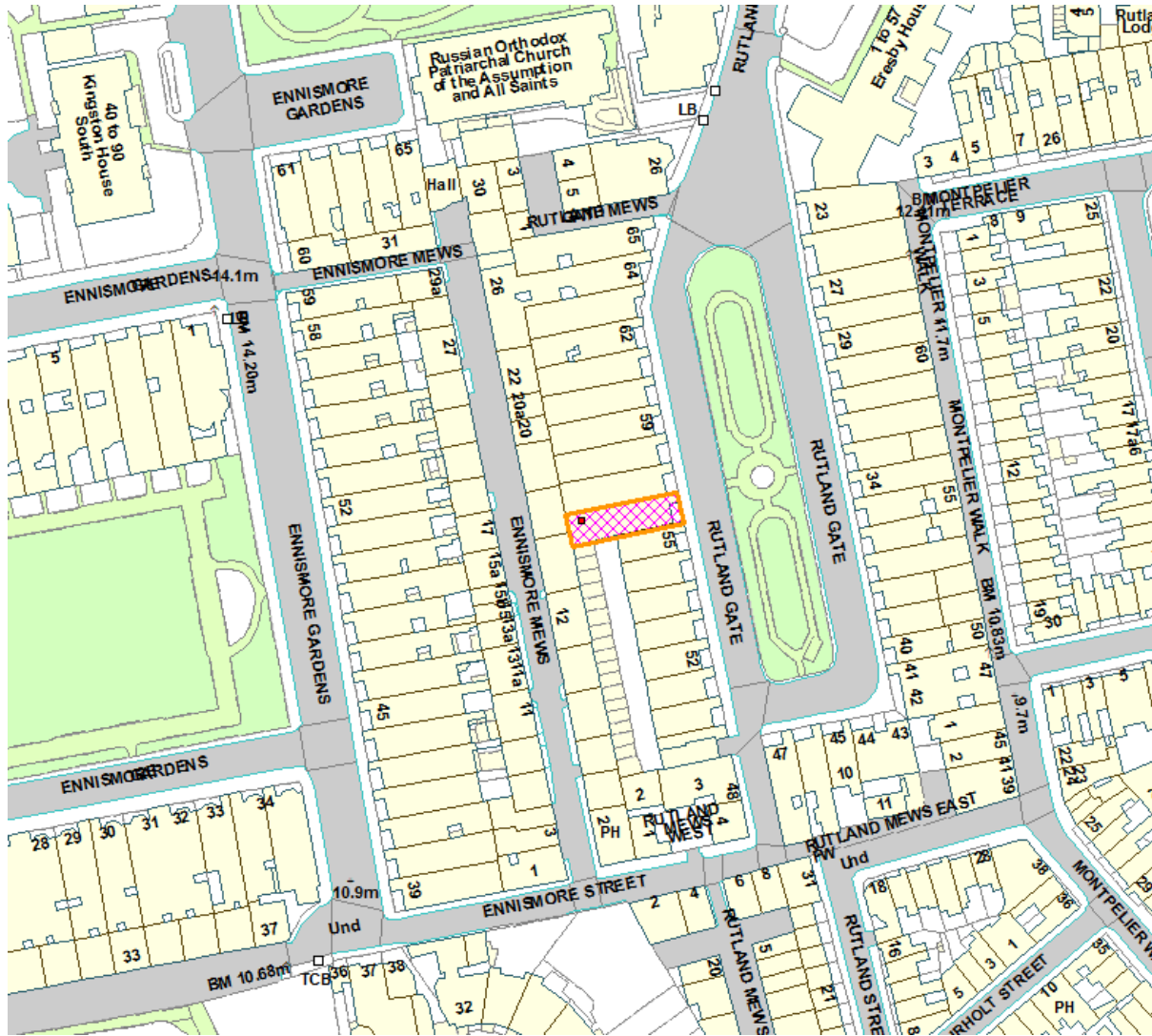
The neighbours maintain their objection to the proposal stating the updated images demonstrate the proposal would have an unacceptably harmful impact on residential amenity in terms of loss of outlook.

As set out in the original report to Planning Applications Sub-Committee, given the planning history of this site, including the two appeal schemes, which were both dismissed on design grounds only, it is not considered that the impact on the neighbours would be so harmful as to warrant refusal on amenity grounds. It is considered that the applicant's images and further analysis support this assessment. The height of the proposed extension has been reduced compared to the two previous schemes and the extension now has a sloped roof profile. Whilst the view from the window would be blocked to some extent by the proposal, as the top of the extension is below the top of the window, a reasonable sense of openness would remain. Another consideration is the relationship created between the application site and the objector's flats would be comparable to others on the terrace and elsewhere in this part of Westminster.

The proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the applications are recommended for approval, as set out in the original report to Planning Applications Sub-Committee on 10 April 2018, subject to the conditions as set out on the draft decision letters.

Condition 5 in the original report required an amendment to remove dormer windows in the side elevation facing the objector. The applicant has revised the application drawings to omit the dormer windows facing the objectors and therefore condition 5 as set out in the original report is no longer necessary. The conditions set out in the draft decision letters have been updated accordingly.

### 3. LOCATION PLAN



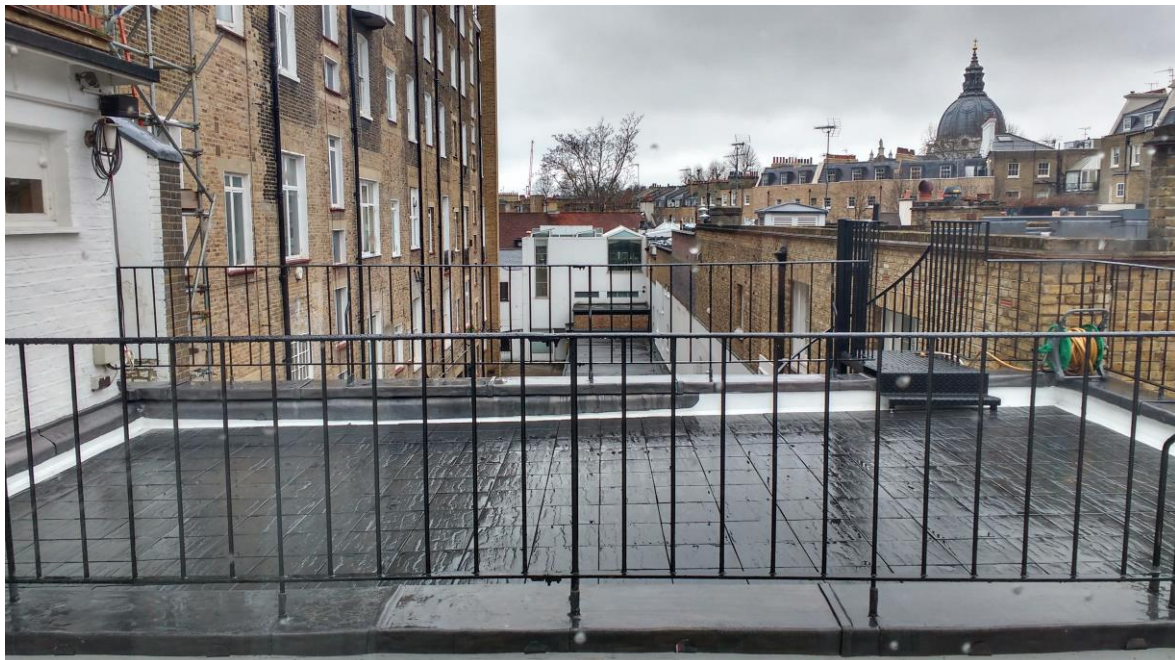
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4. PHOTOGRAPHS



Rear Elevation





**View from Flat 17, 58 Rutland Gate**



**View from Car Park**

## 5. CONSULTATION

### COMMENTS RECEIVED TO AMENDED PROPOSALS SINCE 10 APRIL 2018

No. Consulted: 2

Total No. of replies: 2 (objection)

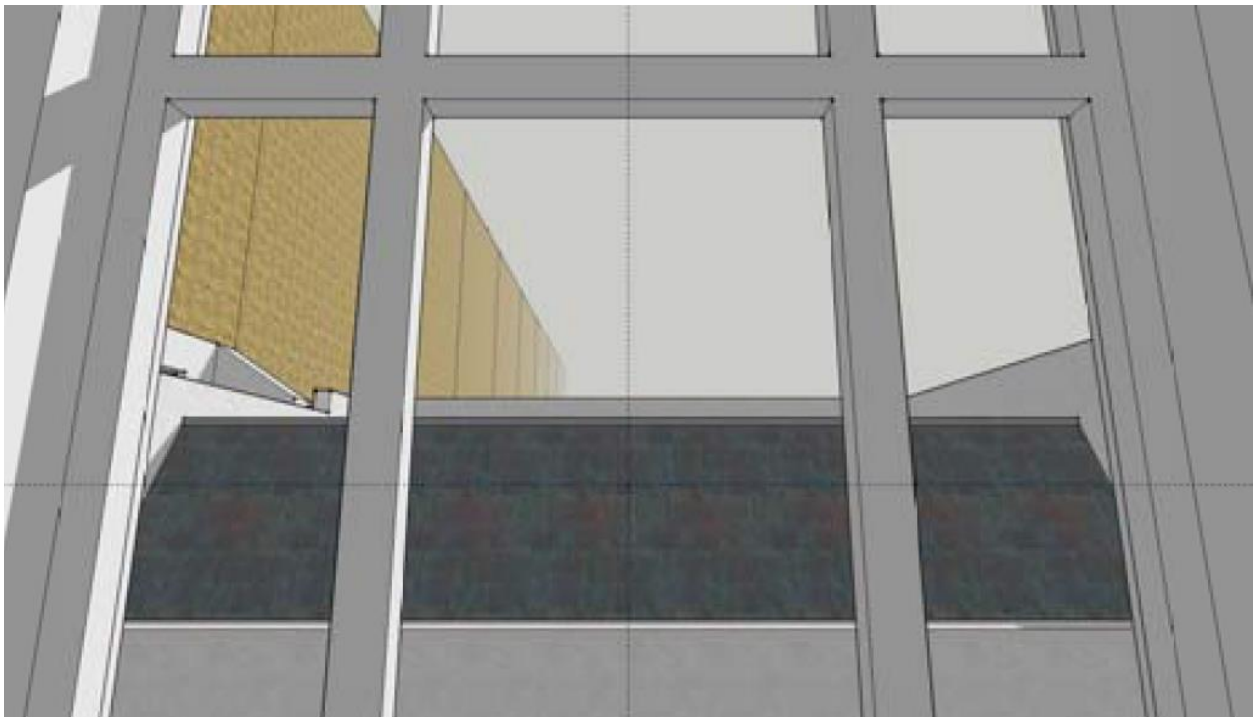
The neighbouring resident maintains their objection to the proposal on the grounds of harm to residential amenity, in particular loss of outlook and light.

(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](mailto:ddorward@westminster.gov.uk)

**6. KEY DRAWINGS**

**Image of existing and proposed view from a standing position 1 metre back from window.**





**Image of existing and proposed view from a seating position in centre of the room.**



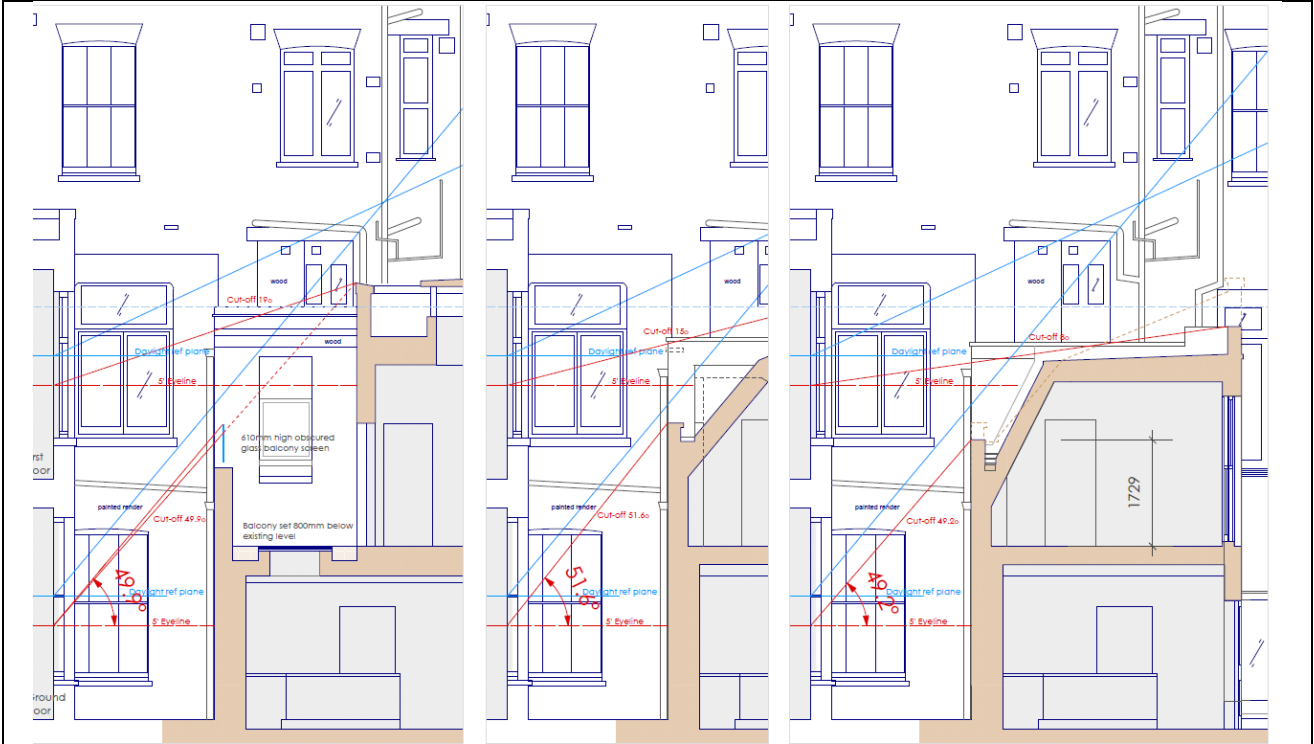




Image showing the viewing positions







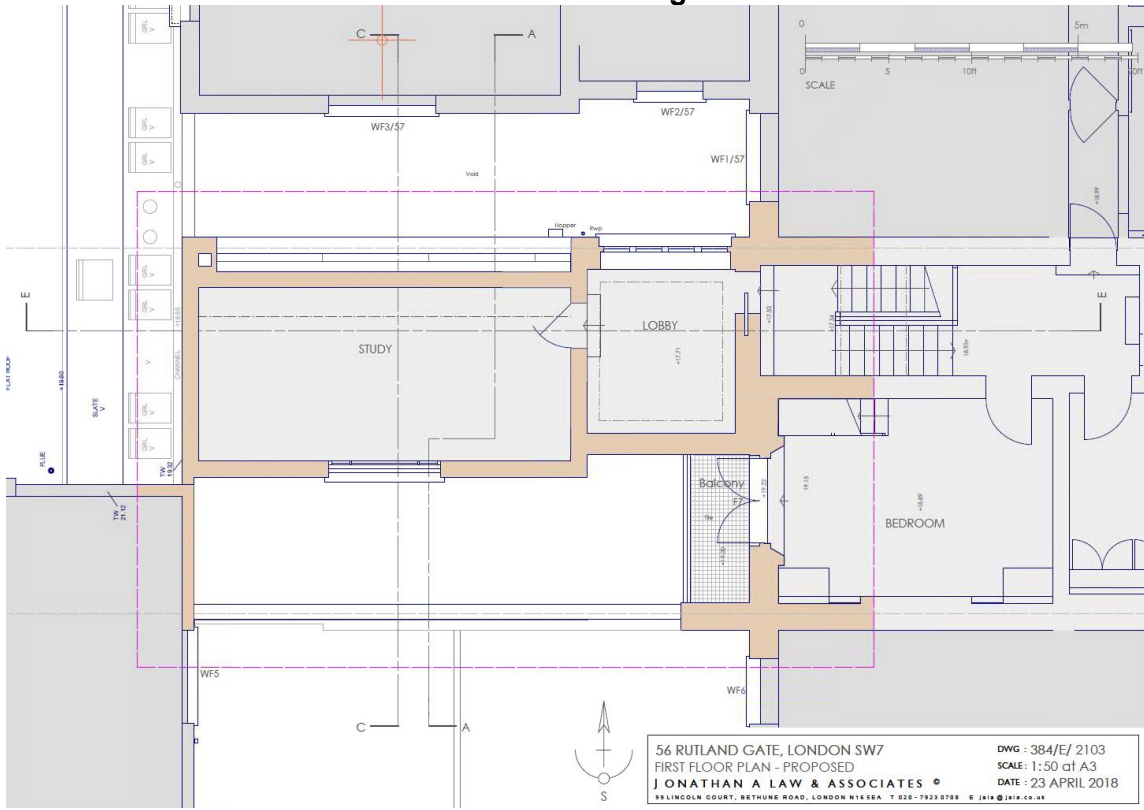
15/01819/FUL - FEB 2015  
15/01820/LBC

17/0044/FUL - JULY 2016  
17/0044/LBC

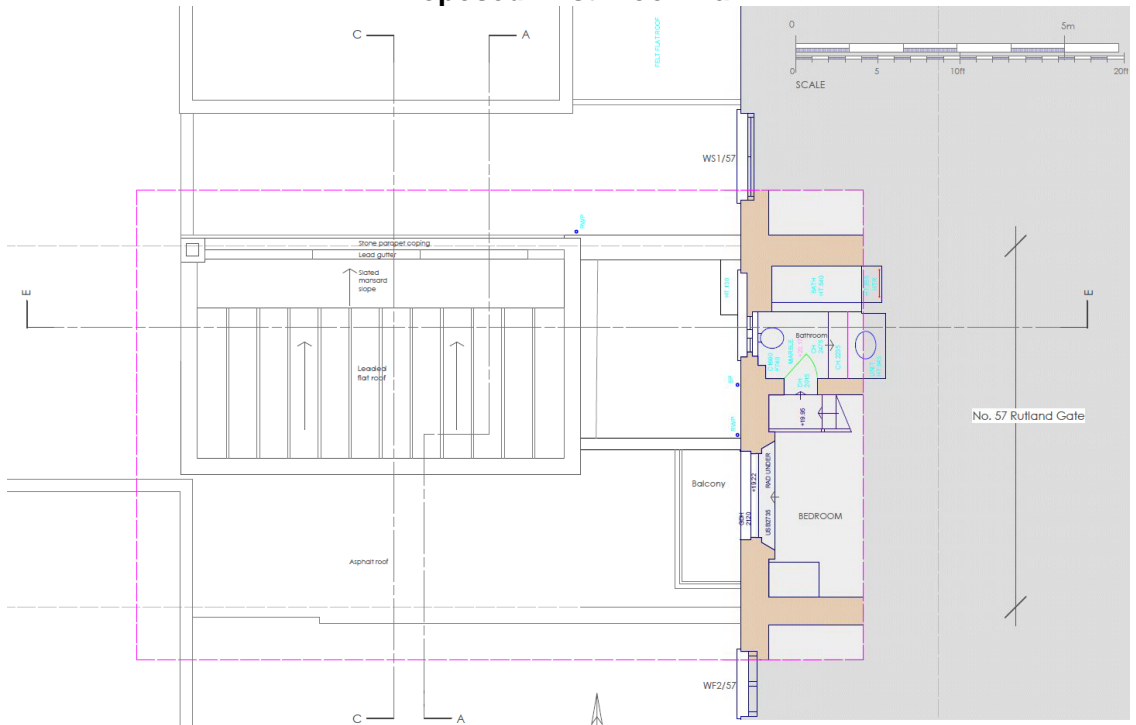
CURRENT APPLICATION - AUGUST 2017

**Comparative analysis**

### Revised Drawings



### Proposed First Floor Plan



### Proposed Roof Plan



EXISTING

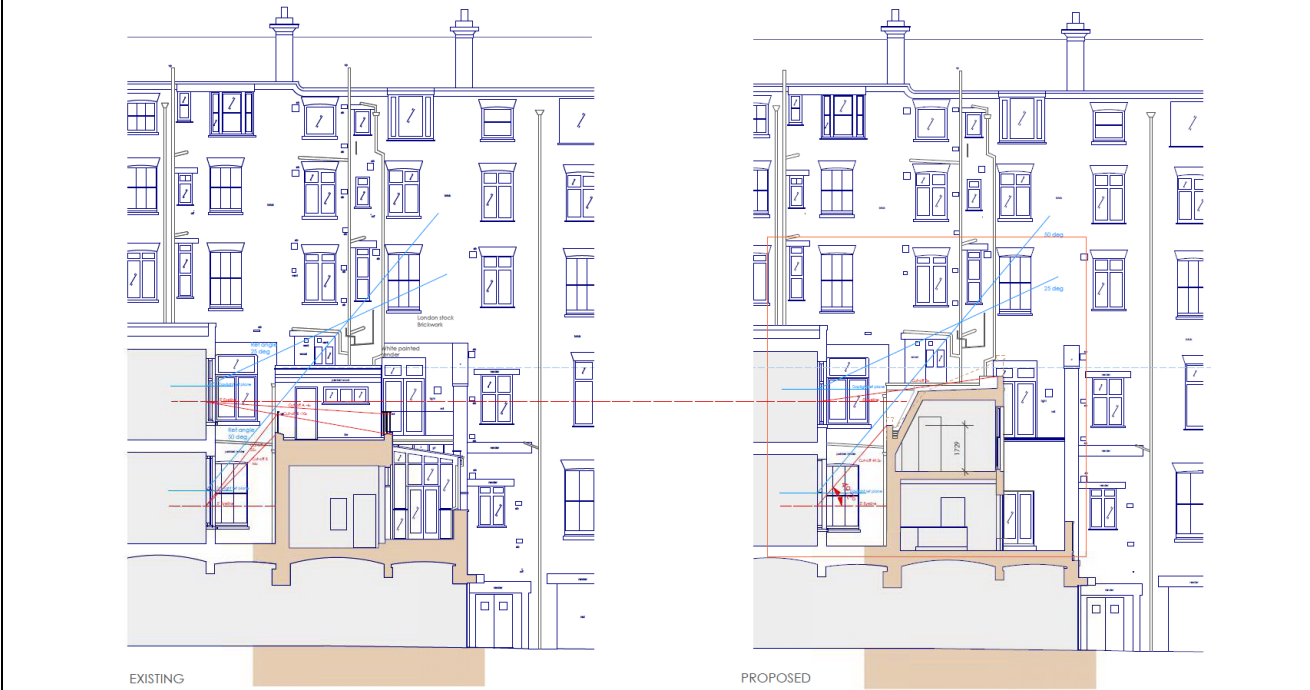
PROPOSED

NORTH ELEVATION (LOOKING SOUTH)

56 RUTLAND GATE, LONDON SW7  
 NORTH ELEVATION - EXISTING & PROPOSED  
 JONATHAN A LAW & ASSOCIATES  
 59 LINDOLN COURT, BETHUNE ROAD, LONDON N16 6EA T 020-7923 0708 E JAL@JAL.CO.UK

DWG : 384/E/ 2111  
 SCALE : 1:100  
 DATE : 23 APRIL 2018

**Existing and Proposed North Elevation**



EXISTING

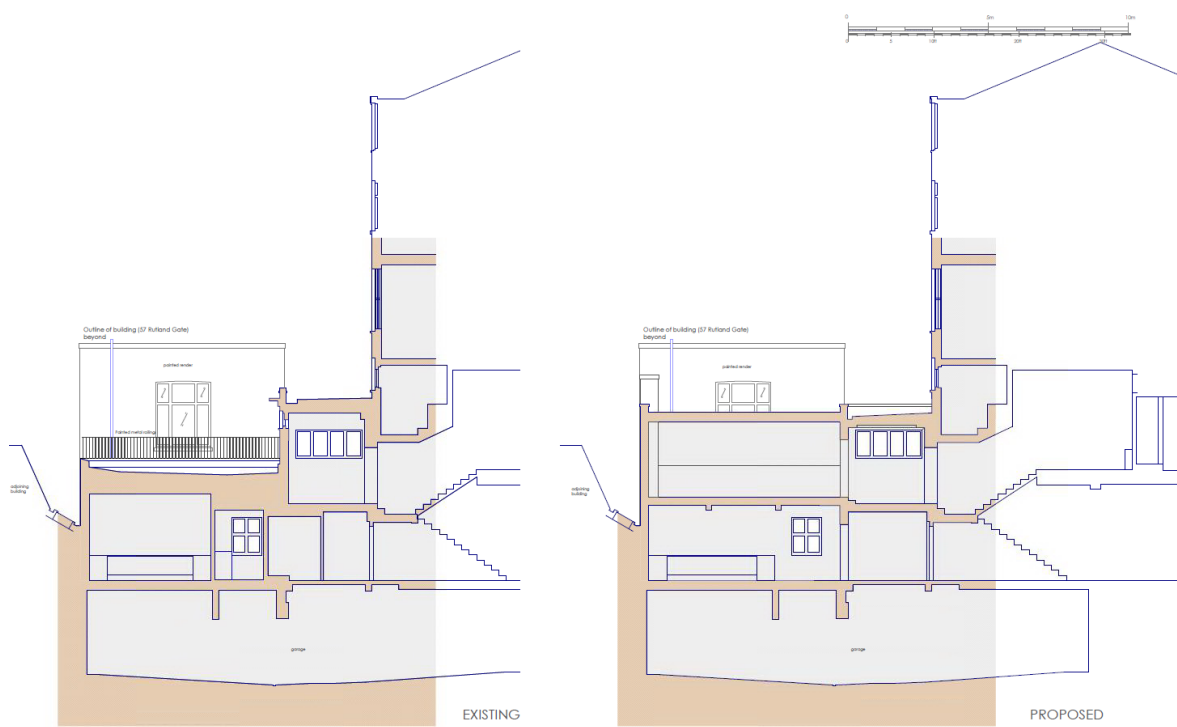
PROPOSED

SECTION A-A (LOOKING EAST)

56 RUTLAND GATE, LONDON SW7  
 SECTION AA - EXISTING & PROPOSED  
 JONATHAN A LAW & ASSOCIATES  
 59 LINDOLN COURT, BETHUNE ROAD, LONDON N16 6EA T 020-7923 0708 E JAL@JAL.CO.UK

DWG : 384/E/ 2113  
 SCALE : 1:100  
 DATE : 23 APRIL 2018

**Existing and Proposed Section AA**



SECTION E-E (LOOKING NORTH)

56 RUTLAND GATE, LONDON SW7  
SECTION EE - EXISTING & PROPOSED  
JONATHAN A LAW & ASSOCIATES  
33 LINDOLN COURT, BETHUNE ROAD, LONDON N16 6EA T 020-7923 0700 E JAL@jalr.co.uk

DWG : 384/E/ 2116  
SCALE : 1:100  
DATE : 23 APRIL 2018

### Existing and Proposed Section EE

**DRAFT DECISION LETTER**

**Address:** 56 Rutland Gate, London, SW7 1PL

**Proposal:** Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

**Reference:** 17/09793/FULL

**Plan Nos:** Site Location Plan; 384/E/1102; 384/E/2102 dated 23 April 2018; 384/E/1103; 384/E/2103 dated 23 April 2018; 384/E/1104 dated 23 April 2018; 384/E/2104; 384/E/2110; 384/E/2111 dated 23 April 2018; 384/E/2112; 384/E/2113 dated 23 April 2018; 384/E/2114; 384/E/2116 dated 23 April 2018; Cover Letter (Michael Maan); Combined Design and Access Statement and Planning Statement (Michael Maan); Heritage Statement (Jonathan A Law and Associates).

For Info Only:

384/E/3113 dated 23 April 2018; 384/E/3114 dated 23 April 2018; Daylight and Sunlight Report (Jessop Associates); 3D Model Images/ visuals received 30 May 2018; Photosheets.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**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 (November 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 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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows

You must not start work 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 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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

**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 (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 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.

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 DECISION LETTER**

**Address:** 56 Rutland Gate, London, SW7 1PL

**Proposal:** Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

**Reference:** 17/09794/LBC

**Plan Nos:** Site Location Plan; 384/E/1102; 384/E/2102 dated 23 April 2018; 384/E/1103; 384/E/2103 dated 23 April 2018; 384/E/1104 dated 23 April 2018; 384/E/2104; 384/E/2110; 384/E/2111 dated 23 April 2018; 384/E/2112; 384/E/2113 dated 23 April 2018; 384/E/2114; 384/E/2116 dated 23 April 2018; Cover Letter (Michael Maan); Combined Design and Access Statement and Planning Statement (Michael Maan); Heritage Statement (Jonathan A Law and Associates).

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

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

- 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 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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 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 building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
- i) Windows

You must not start work 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

### **Informative(s):**

- 1 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 March 2016, Westminster's City Plan (November 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 special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.





CITY OF WESTMINSTER

# MINUTES

## Planning Applications Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 10th April, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Melvyn Caplan (Chairman), Richard Beddoe, Ruth Bush and Gotz Mohindra.

#### 1 MEMBERSHIP

- 1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

- 2.1 Councillor Melvyn Caplan explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Caplan further declared that in respect of items 1 and 6 on the agenda, he had sat on the Committee that had considered previous applications.
- 2.3 Councillor Richard Beddoe declared that in his capacity as Chairman of Planning, he gets to know a number of property developers and planning consultants, although he does not consider them his friends. He added that any Members of the Majority Party who had or would make representations in respect of the applications on the agenda were his friends.
- 2.4 Councillor Gotz Mohindra declared that in respect of items 1 and 6, he had sat on the Committee that had considered previous applications.

X

2.5 Councillor Ruth Bush declared that in respect of item 3, the application ward. She further declared that in respect of item 6, she had had sat on the Committee that had considered a previous application.

### 3 MINUTES

#### 3.1 RESOLVED:

That the minutes of the meeting held on 13 March 2018 be signed by the Chairman as a correct record of proceedings.

### 4 PLANNING APPLICATIONS

4.1 The Chairman moved that, following the recommendation of the Chief Executive, for all applications, the votes of Members at Planning Applications Sub-Committee (2) meetings be formally recorded in the minutes.

#### 4.2 RESOLVED UNANIMOUSLY:

That the votes of Members at Planning Applications Sub-Committee (2) meetings be formally recorded in the minutes.

### 1 GARAGES TO THE REAR OF ORDNANCE MEWS, LONDON

Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).

The presenting officer tabled the following amended condition 9 and deletion of condition 10.

#### Amended Condition 9 (Green Roof)

You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application:

- Living 'green' roof at second floor level on the flat roof at the western end of the development.

You must not remove any of these features.

#### Deleted Condition 10 (Car Parking)

You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development.

**4 56 RUTLAND GATE, LONDON, SW7 1PL**

Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

A late representation was received from Sarah Mason (06.04.018).

**RESOLVED UNANIMOUSLY:**

That the application be deferred in order for the applicant to provide better visuals showing the impact of the extension from the living room of the affected neighbouring property.

**5 30 SHEPHERD MARKET, LONDON, W1J 7QN**

Use of the public highway for the placing of four tables and eight chairs in an area measuring 3.8m x 1.5m in connection with the ground floor unit.

Late representations were received from Anne Mannion (07.02.2018, 06.04.2018 and 09.04.2018).

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted for a temporary period of one year.

**6 GROUND FLOOR, 100 ST MARTIN'S LANE, LONDON, WC2N 4AZ**

Details of Operational Management Plan pursuant to condition 5 of planning permission dated 22 January 2018 (RN: 17/08138/FULL) for 'Dual use of part of the ground floor as either offices (Class B1) and/or showroom (Sui Generis) for display of clothing and accessories range'

**RESOLVED UNANIMOUSLY:**

That the details of the Operational Management Plan pursuant to condition 5 of planning permission dated 22 January 2018 be approved.

The Meeting ended at 7.47 pm.

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_



Item No
<del>4</del>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 10 April 2018	<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>	56 Rutland Gate, London, SW7 1PL		
<b>Proposal</b>	Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.		
<b>Agent</b>	Mr Michael Maan		
<b>On behalf of</b>	Mr Al Marshal		
<b>Registered Number</b>	17/09793/FULL and 17/09794/LBC	<b>Date amended/ completed</b>	3 November 2017
<b>Date Application Received</b>	3 November 2017		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Knightsbridge		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

56 Rutland Gate is a grade II listed building located within the Knightsbridge Conservation Area. Permission and listed building consent are sought for the erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

The key issues in this case are:

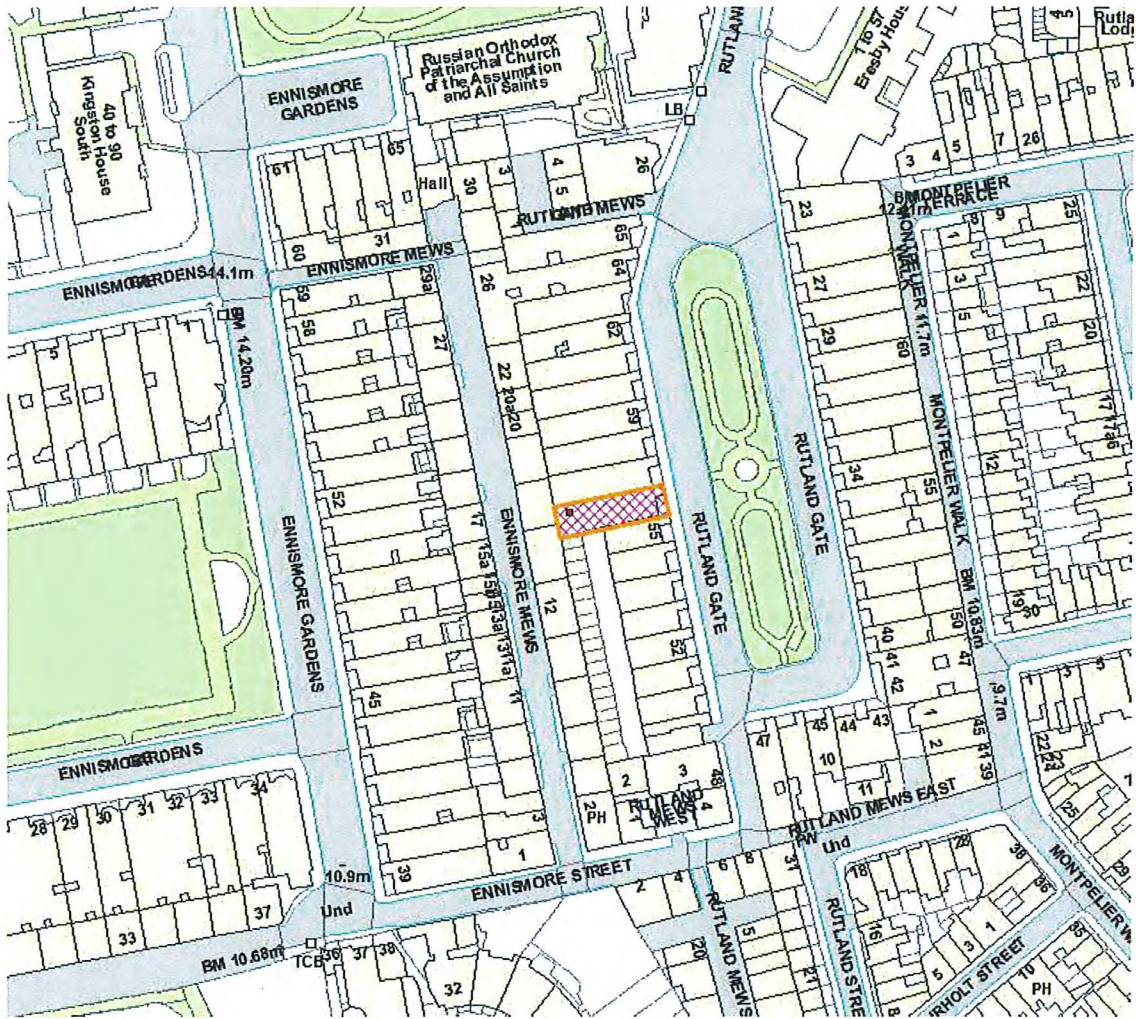
- the impact of the proposals on the character and appearance of the listed building and the Knightsbridge Conservation Area; and
- the impact of the proposals on adjoining properties.

As set out in this report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore



acceptable in land use, design and amenity terms. As such, the applications are recommended for approval subject to the conditions as set out on the draft decision letters.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Rear Elevation





View from Flat 17, 58 Rutland Gate



View from Car Park

Item No.
<del>X</del>

## 5. CONSULTATION

KNIGHTSBRIDGE ASSOCIATION:

Objection: loss of light and privacy for adjoining residential occupiers.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

No. of objections: 4 (from 2 individuals)

Objections have been received from neighbouring residents in an adjacent building in Rutland Gate on the following grounds:

Amenity:

- loss of outlook and increased sense of enclosure;
- loss of daylight and sunlight; and
- loss of privacy.

Design:

- harm to character and appearance of the listed building and Knightsbridge Conservation Area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

56 Rutland Gate is a grade II listed building located within the Knightsbridge Conservation Area. The building is part of a terraced row of listed houses constructed in the mid nineteenth century. Immediately to the north is the ground floor flat at No. 57 Rutland Gate and No. 58 Rutland Gate which is converted into flats.

The rear of the terrace has been subject to a variety of alterations and extensions over time. Originally, to each house there were rear wings projecting from the main elevation with open areas between them. Works in the 1950s removed these wings from the properties to the south of 56 Rutland Gate to form a service road, with an underground car park beneath and beyond the application property. The loss of the basements has had the effect of dividing the rear of the terrace into two distinct sections. Approximately half of the terrace to the south of 56 Rutland Gate has no rear wings. These houses have flat rear elevations rising straight up from the service road. Including and beyond 56 Rutland Gate, the houses retain their wings above the car park beneath. Although, 56 Rutland Gate is a storey lower than those to the north.



## 6.2 Recent Relevant History

In January 2014 permission and listed building consent were sought for the erection of part single and part two storey rear extensions at ground and first floor levels with reconfigured first floor terrace. Had an appeal against non-determination not been lodged, permission and consent would have been refused on design and listed building grounds. The appeals were dismissed on 6 January 2015 due to the schemes harmful impact upon the significance of the listed building and the character and appearance of this part of the Knightsbridge Conservation Area.

In May 2015 permission and listed building consent were refused for the erection of replacement part single and part two storey rear extension at ground and first floor levels with a partially enclosed ground floor terrace and first floor terraces on listed building/conservation area grounds. The subsequent appeals were dismissed on 19 November 2015 due to the schemes harmful impact upon the significance of the listed building and the character and appearance of this part of the Knightsbridge Conservation Area.

In 2017, applications were withdrawn for the replacement of existing, part single part two storey, rear extension with terraces located over the existing basement car parking area with an enlarged part single part two storey extension plus replacement terrace on the south side involving the remodelling of an existing brick abutment and provision of a replacement balcony at ground floor level.

## 7. THE PROPOSAL

Permission and listed building consent are sought for the erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

The floorspace figures are summarised in the below table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
C3 (residential)	294	305	11

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The application property is a single family dwelling house and the additional residential floorspace created would enlarge it. This would raise no land use implications.

### 8.2 Townscape and Design

Objections have been received on the grounds that the proposal would harm the character and appearance of the listed building and the Knightsbridge Conservation Area.

The previous schemes considered by the City Council, and by the Planning Inspectorate, were harmful to the listed building and Knightsbridge Conservation Area. The bulk of the proposed extension in the 2015 proposals would have unacceptably altered the historic

Item No.
4

form of the building because it would not have been on top of the footprint of where the rear wing would have historically existed. It was proposed in 2015 to sit the extension back from the boundary with 57 Rutland Gate so it would be in part over the first roof terrace and then sail over the ground floor roof terrace to the south.

The current proposal results in an extension with a form appropriate in listed building terms as it is now restricted to above the historic footprint at ground floor and the set back has been omitted, thereby creating a layout more appropriate to this listed building. The resultant rear wing would be comparable to the general rear building pattern of the terrace and would not appear any taller than those which already exist. The removal of the ground floor infill conservatory extension to enlarge the existing terrace area, and the provision of a replacement balcony above, is not opposed on design grounds.

The detailed design of the proposal has also been amended from the previous applications, most notably the west elevation would now be viewed as a parapet wall, meaning that from the rear it would appear as a traditional solid closet wing. The proposed height has also been reduced, limiting the massing and bulk of the extension. Views of the property would be improved from the car park and from neighbouring buildings to the south, where the removal of the conservatory and improved design at first floor would create a pleasant book end.

For these reasons, the proposals are considered acceptable in design, townscape and listed building terms, and comply with polices DES1; DES5; DES9; and DES10; of the UDP, S25 and S28 of the City Plan as well as guidance contained within the City Council's SPG: Repairs and Alterations to Listed Buildings.

### **8.3 Residential Amenity**

The proposed extended rear wing would be in close proximity to a number of residential properties, including 14 and 16 Ennismore Mews to the rear and 55 and 57/58 Rutland Gate adjacent (the building of 57 Rutland Gate includes flats addressed as 58 Rutland Gate).

Objections have been received from the occupiers/ owners of the ground and first floor flats at 57 and 58 Rutland Gate. Flat 17, 58 Rutland Gate is located at first floor level and 57 is located at ground floor level. These flats have windows which face the application site and windows that look down the side lightwell area. The grounds for objection primarily relate to an increased sense of enclosure, loss of light and loss of privacy. One objector has commissioned a daylight and sunlight with results that differ to the applicant's assessment. Reference is also made to their objections to the previous proposals which still stand.

ENV13 of the UDP and Policies S29 of the City Plan seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development that enhances the residential environment of surrounding properties.

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## **Sunlight and Daylight**

The applicant has carried out an assessment of adjoining properties based on the methodologies in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice".

In assessing daylight levels, the Vertical Sky Component (VSC) measures the amount of light reaching the outside face of a window. If the VSC achieve 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. This assessment concludes that no window would suffer a loss greater than 20%.

An objector has commissioned their own daylight and sunlight assessment based on the same methodologies set out in the BRE guide. The conclusion of this assessment differs to the one conducted by the applicant. It finds that one window at 57 Rutland Gate at ground floor level which serves a bedroom would experience a loss of 24%, in excess of the 20% criteria. The objector's report suggests that this is likely to be because the applicant's assessment modelled the existing situation as having a higher degree of obstruction. They suggest this could be down to the applicant modelling the railings around the existing first floor roof terrace as solid, and consequently the applicant has underestimated the relative loss of daylight.

Whilst under the objector's assessment there would be a breach of the 20% criteria, the room effected benefits from a second window to the rear. This means the room will continue to be served by a window that does not fail the VSC test. The window also serves a bedroom which the BRE states should be considered of less importance than principle living areas. On balance therefore, it is not considered sustainable to resist the proposal on the grounds of loss of daylight.

In assessing sunlight levels, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 7% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours. No window would suffer a loss greater than 20%, the objector's assessment concurs, and therefore neighbours will not experience a noticeable loss of sunlight.

## **Sense of Enclosure**

Both the 2014 and 2015 applications proposed building a first floor extension on the existing terrace. However the schemes were set back from the boundary with 57/58 Rutland Gate by either approximately 2.8m (the 2014 scheme) or 2.2m (the 2015 scheme). The council refused these applications on design grounds only (or in the case of the 2014 application would have been refused on design grounds only had the appeal against non-determination not been lodged). Both appeals were dismissed but the Inspector did not consider that the impact on the occupiers of the ground and lower ground floor flats at 57/58 Rutland Gate to be so harmful as to warrant refusal on amenity grounds.

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In dismissing the 2014 application the Inspector concludes for Flat 17, 58 Rutland Gate:

'The large window on the rear outrigger now has a relatively open southerly aspect across the existing first floor terraced area of the appeal site, and this would be blocked to some extent by the proposal. However, as the top of this window would be roughly level with the top of the extension, a reasonable sense of openness would remain. Moreover, the set back and height of the proposed first floor element, when coupled with the southerly aspect of the large window in the outrigger to Flat 17 and the other existing windows to the room it serves, mean there would not be an unacceptable reduction of light for those adjacent occupants.'

A copy of both appeal decisions is provided in the background papers.

The current application removes the set back that existed in the two previous schemes and positions the extension on the boundary with 57/58 Rutland Gate. However the height of the extension has been reduced compared to the two previous schemes and the extension now has a sloped roof profile. To reduce the bulk further the applicant has agreed to remove the dormer windows that would have faced Nos. 57/58 Rutland Gate. Officers note the strong objections from both Flat 17, 58 Rutland Gate and 57 Rutland Gate but consider the impact to be comparable to the appeal schemes. Given the planning history of this site, including the two appeal schemes, it is not considered that a refusal on grounds of increased sense of enclosure would be warranted. A further consideration is that the relationship created between the application site and the objector's flats would be comparable to others on the terrace and elsewhere in this part of Westminster. An amending condition is recommended to ensure the removal of the two dormer windows. The removal of the dormer windows would also prevent any light spill from the extension to the objector's properties.

To the rear, the affected openings are rooflights to 16 Ennismore Mews. One rooflight is to the slope of the mansard roof of that building and it does enjoy an outlook that would be restricted because of the rear wall of the extension at first floor. However, as this rooflight is to a hallway, it is not considered this would be a sustainable reason for refusal in this instance.

To the southern side, the windows at 55 Rutland Gate and 14 Ennismore Mews are sufficient distance from the enlarged rear wing to ensure they would not be adversely affected.

### **Privacy**

The existing first floor roof terrace allows for overlooking of neighbours. The proposed first floor extension would remove the first floor terrace and would therefore improve the privacy for the occupants of Flat 17, 58 Rutland Gate and 57 Rutland Gate.

The south facing openings and enlarged roof terrace at ground floor and provision of a replacement balcony above would not allow for a harmful increase overlooking over the existing arrangement given its orientation.

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

The proposal does not represent an increase in residential units. There is no requirement for the provision of cycle or car parking.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

Access arrangements will remain unchanged.

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

None relevant.

#### **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.

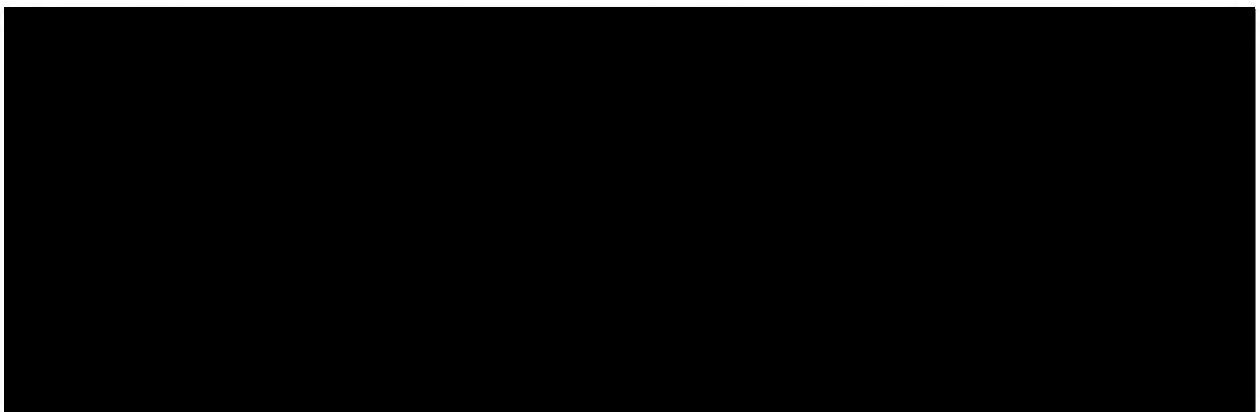
#### **8.10 Planning Obligations**

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

The development is not CIL liable, less than 100 square metres of floorspace would be created.

#### **8.11 Environmental Impact Assessment**

The application is of insufficient scale to trigger the requirement of an EIA.



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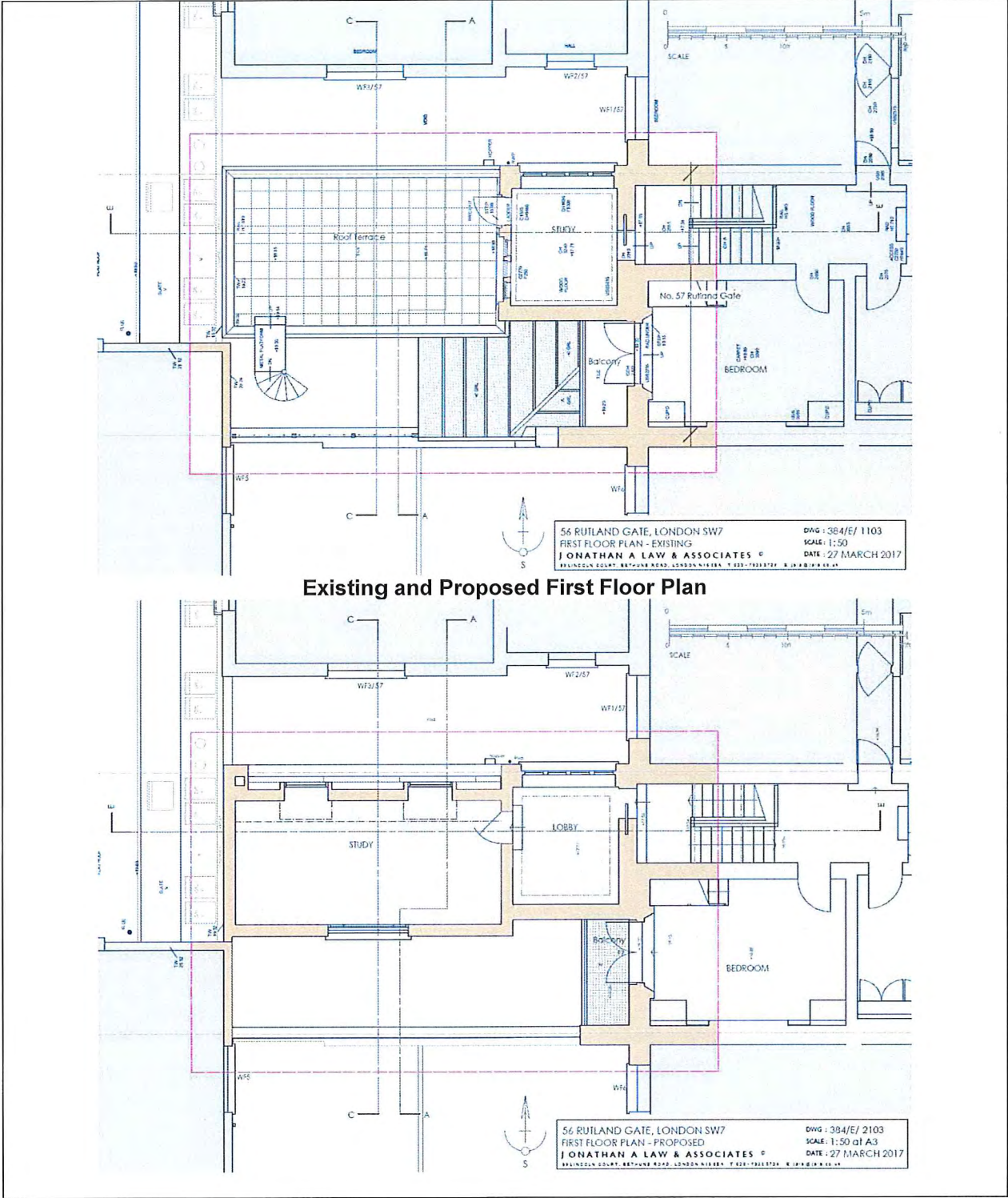
4
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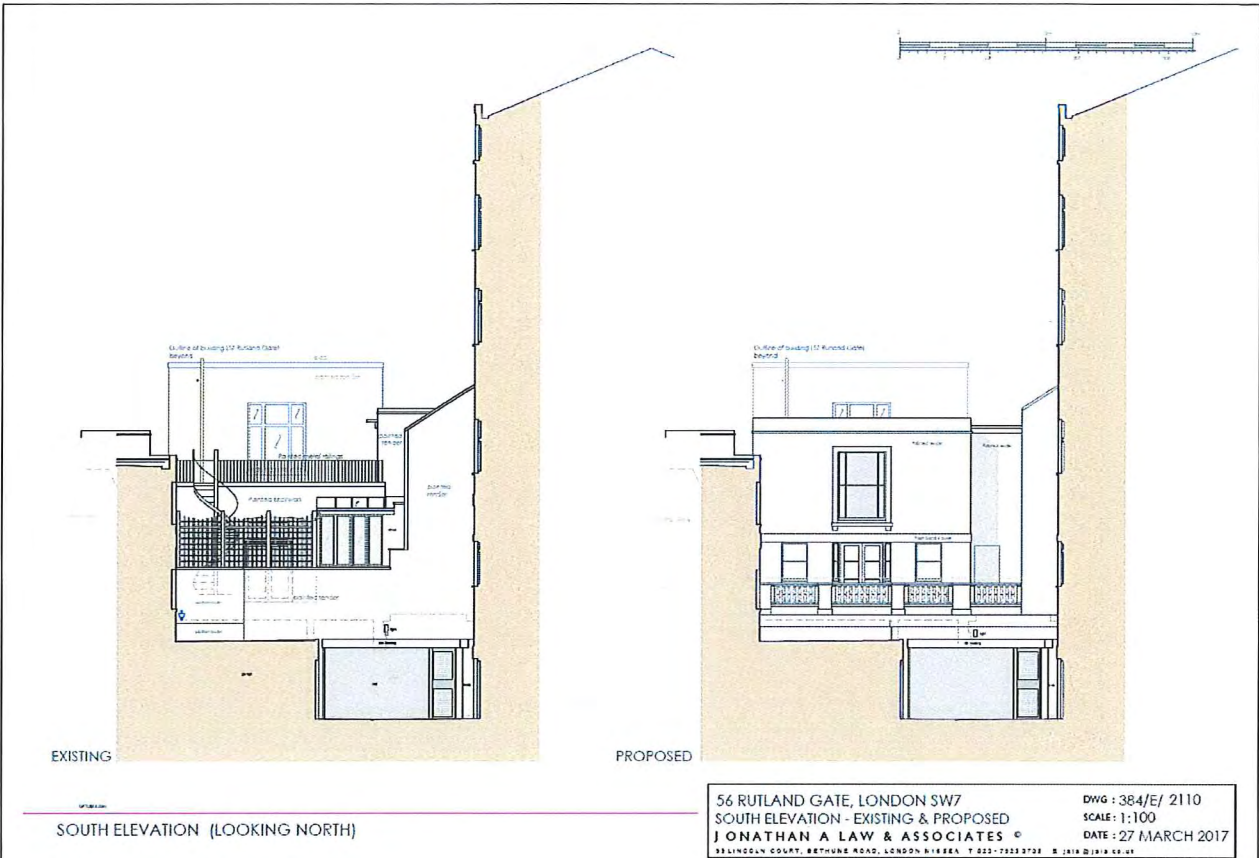
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT <a href="mailto:mmason@westminster.gov.uk">mmason@westminster.gov.uk</a>
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10. KEY DRAWINGS





**Existing and Proposed South Elevation**





EXISTING

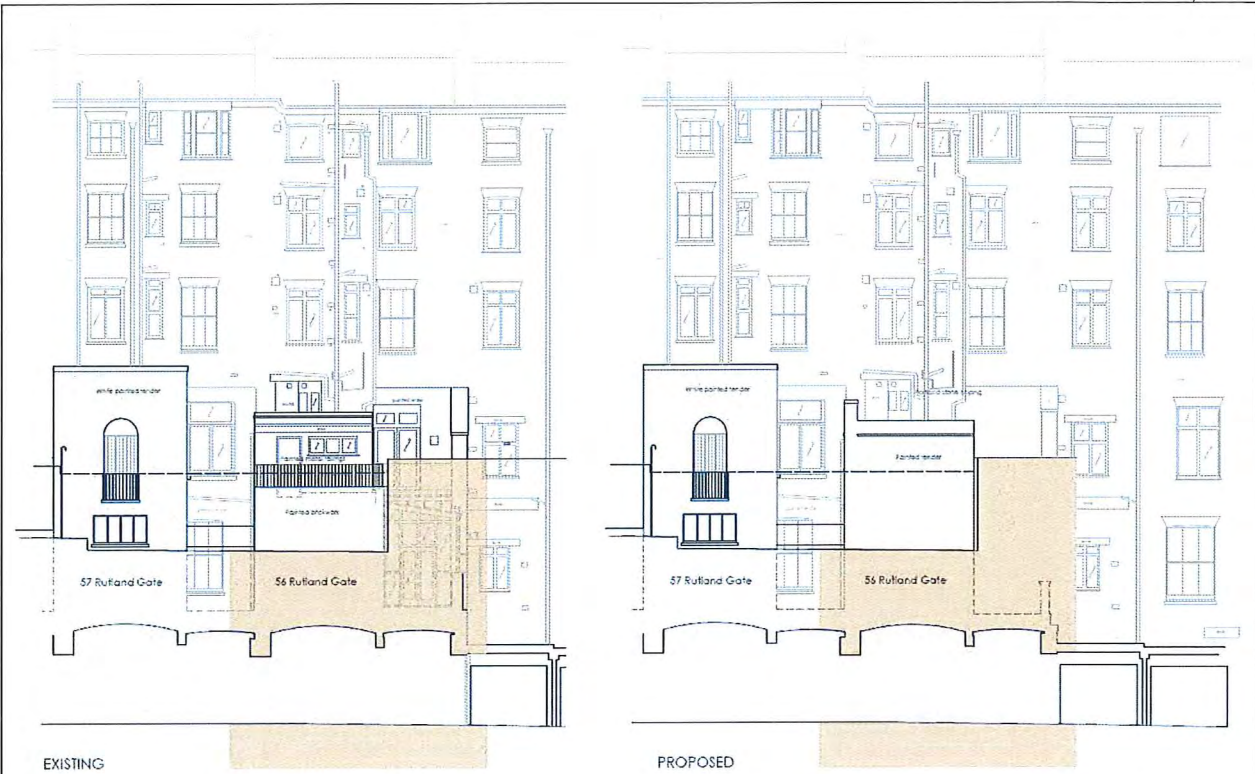
PROPOSED

NORTH ELEVATION (LOOKING SOUTH)

56 RUTLAND GATE, LONDON SW7	DWG : 384/E/ 2111
NORTH ELEVATION - EXISTING & PROPOSED	SCALE : 1:100
JONATHAN A LAW & ASSOCIATES	DATE : 27 MARCH 2017
11 KINGSWAY COURT, BATHURST ROAD, LONDON W14 8EA T 020 7723 3728 E JAL@JALAW.CO.UK	

**Existing and Proposed North Elevation**

Item No.



EXISTING

PROPOSED

WEST ELEVATION (LOOKING EAST)



56 RUTLAND GATE, LONDON SW7  
WEST ELEVATION - EXISTING & PROPOSED  
JONATHAN A LAW & ASSOCIATES  
33 LINCOLN COURT, BETHUNE ROAD, LONDON N1 6BB. T 020 7823 9735 E JAL@jal.co.uk  
DWG : 384/E/ 2112  
SCALE : 1:100  
DATE : 27 MARCH 2017

### Existing and Proposed Rear Elevation

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EXISTING

PROPOSED

SECTION A-A (LOOKING EAST)



56 RUTLAND GATE, LONDON SW7  
SECTION AA - EXISTING & PROPOSED  
JONATHAN A LAW & ASSOCIATES  
25 LINCOLN COURT, BETHUNE ROAD, LONDON N16 5EA T 020 79230758 E JAL@JALIA.CO.UK  
DWG : 384/E/ 2113  
SCALE : 1:100  
DATE : 27 MARCH 2017

**Existing and Proposed Section**



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**DRAFT DECISION LETTER**

**Address:** 56 Rutland Gate, London, SW7 1PL

**Proposal:** Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

**Reference:** 17/09793/FULL

**Plan Nos:** Site Location Plan; 384/E/1102; 384/E/2102; 384/E/1103; 384/E/2103; 384/E/1104; 384/E/2104; 384/E/2110; 284/E/2111; 384/E/2112; 384/E/2113; 384/E/2114; 384/E/2116; Cover Letter (Michael Maan); Combined Design and Access Statement and Planning Statement (Michael Maan); Heritage Statement (Jonathan A Law and Associates)., , For Info Only.; 384/E/3113; 384/E/3114; Daylight and Sunlight Report (Jessop Associates); 3D Model Images; Photosheets.

**Case Officer:** Julia Howitt **Direct Tel. No.** 020 7641 2069

**Recommendation and Reason(s)**

1 The development hereby permitted shall be carried out in accordance with the drawings and other documents forming part of 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 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;
- 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)

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Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 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 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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
- i) Windows

You must not start work 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 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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- removal of the dormer windows

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:

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To protect the amenity of people in neighbouring properties by reducing the bulk of the extension. This is 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. (R26FD)

- 6 The glass that you put in the lower half of the dormer windows of the first floor extension must not be clear glass and these lower halves of the windows must not open. 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 you must fix the windows shut and you must not change it without our permission.

**Reason:**

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 7 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

**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 (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 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.

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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.



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## DRAFT DECISION LETTER

**Address:** 56 Rutland Gate, London, SW7 1PL

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**Reference:** 17/09794/LBC

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**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

### Recommended Condition(s) and Reason(s)

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents included in 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 in the interests of proper planning.

- 2 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. (R27AC)

Reason:

To protect the special architectural or historic interest of the building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that was adopted in January 2007. (R27AC)

- 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

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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 building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

i) Windows

You must not start work 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

- removal of the dormer windows.

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 and to make sure the development contributes to the character and appearance of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

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**Informative(s):**

- 1 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 March 2016, Westminster's City Plan (November 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 special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
  - \* any extra work which is necessary after further assessments of the building's condition;
  - \* stripping out or structural investigations; and
  - \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

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.