

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Flat 13, Putney House, 92 - 94 Great Titchfield Street, London, W1W 6SF,		
Proposal	Demolition of the single storey residential dwelling in the rear courtyard and erection of a new two storey building for use as 1 x 3 bedroom residential dwelling (Class C3).		
Agent	BB Partnership		
On behalf of	Mr Dedman		
Registered Number	18/04127/FULL	Date amended/ completed	18 May 2018
Date Application Received	18 May 2018		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

## 1. RECOMMENDATION

Refuse planning permission – design and amenity.

## 2. SUMMARY

The application relates to a single storey dwelling within the rear courtyard of adjoining mansion blocks on the east side of Great Titchfield Street. Permission is sought for the demolition of the existing building and its replacement with a two storey dwelling house.

The key issues are:

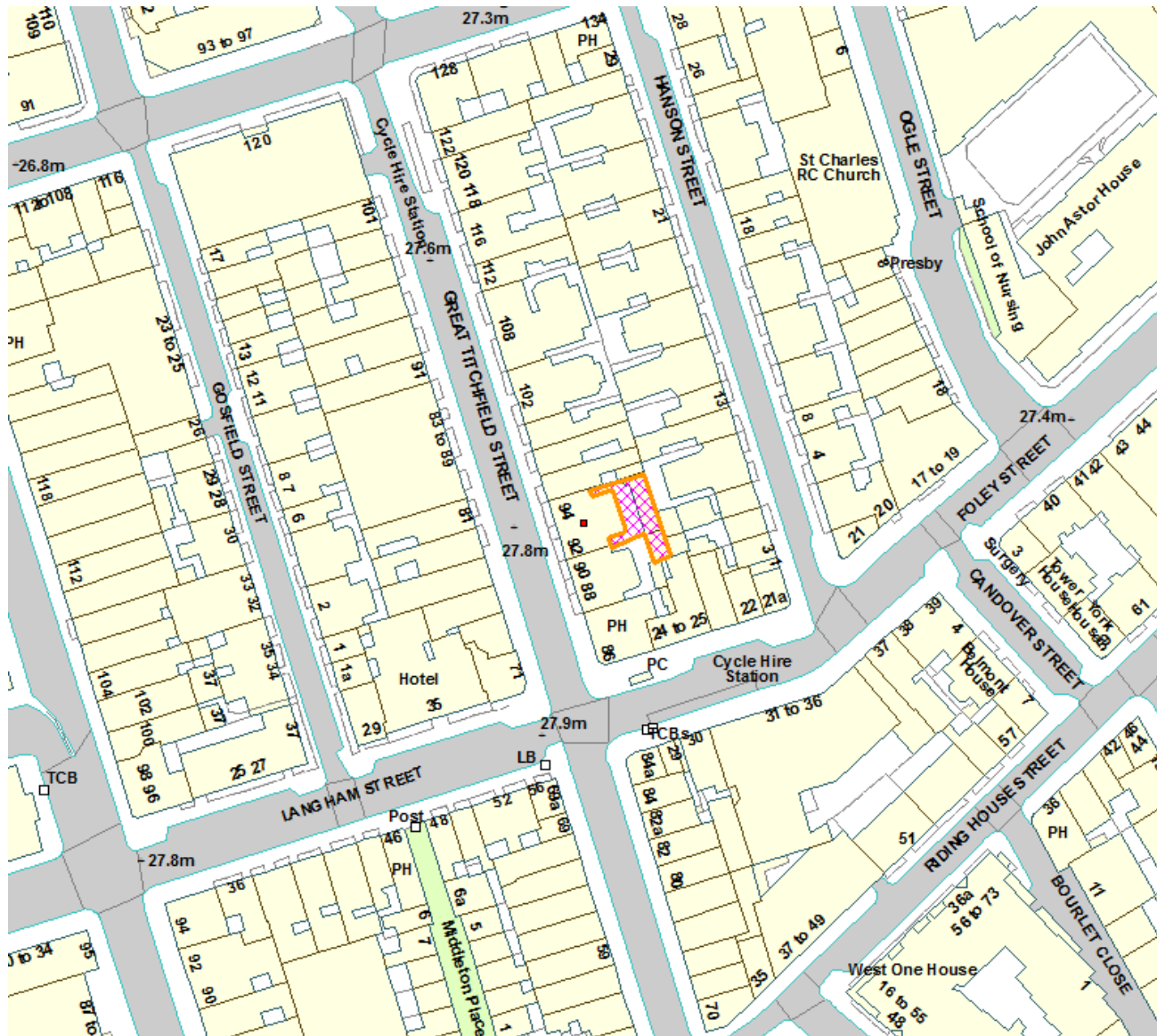
- The impact of the proposal on the amenity of neighbouring residential properties
- The scale and design of the proposed building and its impact on the character and appearance of the East Marylebone Conservation Area.

The proposal is considered unacceptable due to the detailed design of the replacement building and its impact on the character and appearance of the East Marylebone Conservation Area. It is also considered that the development would result in an unacceptable increase in the sense of enclosure to windows at the rear of the neighbouring mansion blocks. The scheme is contrary to the relevant

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policies in Westminster’s City Plan and the Unitary Development Plan (UDP) and is therefore recommended for refusal.

### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS





## 5. CONSULTATIONS

### FITZROVIA NEIGHBOURHOOD ASSOCIATION

Objection: loss of amenity to neighbouring residents due to noise disturbance from the use of the courtyard space, loss of privacy and adverse impact on outlook from adjoining windows.

New building would have a negative impact in 'conservation' terms

### CLEANSING

No objection subject to conditions.

### HIGHWAYS

No objection subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 51

Total No. of replies: 13

No. of objections: 13

No. in support: 0

Objections on the following grounds:

#### Land use

- Potential use for short-term letting with additional security implications.

#### Amenity

- Noise and disruption during the construction
- Additional noise and disturbance from use of the courtyard due to increased capacity of replacement dwelling.
- Overlooking and increased sense of enclosure to neighbouring windows
- Loss of daylight and sunlight
- Increased sense of enclosure to existing flat occupiers in the building.
- Light pollution to neighbouring flats.

#### Design

- Adverse impact on character of the conservation area due to inappropriate scale and use of materials

#### Other

- Overdevelopment' of the site
- Increased demand for on-street parking.
- Impact on biodiversity due to the loss of plants.
- Impact upon property values.
- Increased pressure on water and sewage supplies.
- Lack of consultation between the freeholder (applicant) and existing residents.



- Concern over the fire escape route for the new residents.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

92- 94 Great Titchfield Street is an unlisted building of merit located in the East Marylebone Conservation Area. The building, a mansion block, is wholly in use as residential flats.

There is a single storey structure at the rear of the site which extends across the entire width of the courtyard to the rear of 92-94 Great Titchfield Street and also occupies part of the rear courtyard area of 88-90 Great Titchfield Street. This structure is occupied as a two bedroom dwelling pursuant to a permission granted in October 2004.

### **6.2 Recent Relevant History**

7 October 2004; Permission granted for the continued use of single-storey rear building as a two-bedroom self-contained flat.' (04/05236/FULL)

6 June 2017: Permission refused for was refused for the demolition of single storey residential dwelling in the rear courtyard and erection of a new two storey building for use as 1 x 4 bedroom residential dwelling (17/01739/FULL). – detailed design and adverse impact on character and appearance of the East Marylebone Conservation Area; loss of outlook and increased sense of enclosure to residential properties within 92-94 and 88-90 Great Titchfield Street; failure to demonstrate that daylight levels for flats within 92-94 and 88-90 Great Titchfield Street would be acceptable; unacceptable loss of privacy for residents in neighbouring properties.

## **7. THE PROPOSAL**

Permission is sought for the demolition of the existing single storey residential unit in the rear courtyard and for the erection of a new two storey building, with an associated increase in the height of part of the rear boundary wall, for use as a three bedroom residential unit incorporating a green roof. The remainder of the rear courtyard would provide private amenity space for the dwelling, as at present.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Residential use**

The proposal would not result in any increase in the number of residential units. The existing two bedroomed dwelling measures 44 sqm. The proposed three bed house would measure 86m sqm. The increase in residential floorspace (42m sqm) accords with Policy H3 of the UDP and Policy S14 of the City Plan, both of which encourage the

increase in residential floorspace at suitable locations within Westminster. Given this modest increase, there is no policy requirement for the provision of affordable housing.

The proposed dwelling(3b/6p) is considered to provide a good standard of accommodation for future occupants in terms of its size and layout. It complies with space standards set out in the London Plan which states three bedroom, two storey units should be a minimum of 84 sqm. The dwelling will also benefit from external amenity space. A daylight/sunlight report confirms that the accommodation will receive adequate natural light and sunlight, although it is acknowledged that winter sunlight will be limited.

An objection has been received on the grounds that the dwelling could potentially be used for short-term letting, with additional security implications. However, these concerns could not justify the refusal of permission should the scheme be considered acceptable. Any future reports of unauthorised use would be subject to an investigation by the Planning Enforcement Team.

## 8.2 Townscape and Design

The existing single storey building is of a utilitarian appearance and is not considered to be of any design merit. It makes a neutral contribution to the character and appearance of the conservation area and its demolition is uncontentious in principle in design terms.

This part of the conservation area to the rear of the site is characterised by development which is generally greater in height than the existing single storey outbuilding. The party walls with Nos. 5 and 7 Hanson Street, immediately to the east of the site, exceed the height of the existing outbuilding by an additional storey. In addition, the existing buildings at 9 and 11 Hanson Street and 96 Great Titchfield Street are also taller than the existing outbuilding building at 92- 94.

The previous application, for the erection of a replacement two storey courtyard dwelling, was refused on the grounds that the detailed design of the building, which included UPVC windows and a galvanised mansard roof, was of poor quality and would fail to preserve (or enhance) the character and appearance of this part of the conservation area.

The current scheme also seeks permission for the erection of a two storey dwelling. This would be finished in contemporary vertical timber cladding with aluminium fenestration and a flat green (planted) roof.

Objections have been received from neighbouring residents on the grounds that the new building would be out of keeping with the character of the conservation area due to the proposed materials and that the structure is of an unacceptable scale in relation to its courtyard setting. The local amenity society has also objected on the grounds that the proposal results in overdevelopment on what was historically the site of sheds or outhouses and that the new structure would have a negative impact due to the additional bulk proposed.

Two storey outbuildings and extensions are not uncharacteristic of this area at the rear of properties fronting on to Great Titchfield Street and Hanson Street. The application site abuts a taller boundary wall to the east (rear) and is surrounded by several larger



buildings and extensions to the north and east. Consequently, as previously, it is considered that a two storey building in this location would not be out of keeping with the scale of buildings in this part of the conservation area. The new building would remain visually subordinate to the principle building, which is a large six storey mansion block. In these circumstances, objections regarding the impact of the proposed scale and bulk on the character and appearance of the conservation area cannot be supported,

Notwithstanding the above, the proposed design is considered unacceptable and would fail to preserve the character and appearance of the East Marylebone Conservation Area. The Council's Supplementary Planning Guidance 'Development and Demolition in Conservation Areas' (1996) states; 'the City Council expects design to be of the highest architectural quality and to respect and interpret the existing character and appearance of a conservation area. New buildings must be seen as part of the wider whole.'

The proposal for a timber clad building fails to relate to the more traditional palette of materials in the area – predominantly brick in the surrounding outbuildings and rear extensions. The contemporary timber clad building proposed would be an eye catching and discordant addition which would fail to relate to the established pattern of development in this area. Concerns are also raised regarding the durability of the proposed materials and how the cladding would appear in the longer term. The proposed scheme would fail to interpret the character and appearance of the East Marylebone Conservation Area and is therefore contrary to policies DES 1, DES 5 and DES 9 of the UDP and the Council's supplementary planning guidance. The application is therefore recommended for refusal on design grounds.

## **8.2 Residential Amenity**

Policy S29 of the adopted City Plan states that; 'the council will resist proposals that result in an unacceptable material loss of residential amenity and development should aim to improve the residential environment.' Unitary Development Plan policy ENV13 states that the Council will normally resist proposals which result in a material loss of daylight/sunlight to existing dwellings and, where the resulting level is unacceptable, permission will be refused.'

Additionally, developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

### **Daylight and Sunlight**

The previous application was refused on the grounds that insufficient information had been provided to demonstrate the impact of the proposal on the levels of daylight to neighbouring properties. The current application is supported by a daylight/sunlight report in accordance with Building Research Establishment (BRE) guidelines.

Objections have been received on the grounds that the development will result in a material loss of daylight /sunlight to residential flats in nos. 88-90 and 94-94 Great Titchfield Street, and to a lower ground/ground floor flat at 11 Hanson Street which is currently being converted to a three bedroom residential unit.

## Daylight

Under the BRE guidelines the level of daylight received by a property may be assessed by assessing the Vertical Sky Component, which is a measure of the amount of skylight falling on a vertical window, usually at its centre point. If this achieves a value of 27% or more, the window will have the potential to provide good levels of daylight. If, as a result of the development, the VSC of an existing neighbouring window is both less than 27% and less than 0.8 times its former value, the loss of light is likely to be noticeable.

Daylight to living rooms, larger habitable kitchens, and bedrooms should be assessed but windows to non-habitable rooms including bathrooms and smaller (non-habitable) kitchens.

The greater part of the new building would be set below the height of the existing rear boundary wall. However, towards the centre of the site, there would be an increase in the height of part of this wall of between 1.2m and 2.1m. The report includes an assessment of neighbouring windows on the lower ground and ground floors of 88-90 and 92-94 Great Titchfield Street. Lower ground floor windows in the end wall of the rear projections serve bathrooms, which do not need to be assessed. Windows to habitable rooms (a mixture of living rooms and bedrooms) are set within the main rear elevation. At ground floor level, windows in the chamfer to the rear projection serve small kitchens, which nevertheless have been assessed as habitable rooms. Where the use of the room is unknown, it has been assessed as a habitable room.

Lower ground floor windows to habitable rooms are set furthest away from the proposed development, which is substantially set below the height of the existing rear boundary wall, and given the location of the additional height and bulk in relation to these windows, the report concludes that these windows would not experience any reduction in VSC. Due to the relationship of the first floor windows to the proposed development, it is also concluded that these would not experience any material reduction in VSC.

The rear ground floor window to the new duplex apartment at 11 Hanson Street serves a dual aspect bedroom, which also has a skylight above. The lower ground floor window lights the living accommodation, which also benefits from a very large roof light over an 'internal courtyard'. As these, south facing, windows would only have oblique views of the development, where it rises above the height of the existing boundary wall, viewed against the backdrop of the taller mansion blocks beyond, it is not considered that the proposal would have a material impact on the levels of light received. Other neighbouring buildings, which do not have windows overlooking the proposed development, would be unaffected.

## Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH) where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the occupants of the existing building are likely to notice

the loss of sunlight. Only those windows facing within 90 degrees of due south need to be tested.

None of windows at the rear of the mansion blocks require a sunlight assessment due to their orientation.

Windows serving the new duplex apartment at 11 Hanson Street do face within 90 degrees of due south. However, again, given that the existence of the high boundary wall between the properties, it is not considered that the increase in height on the site boundary would be materially affected. No other properties along this part of Hanson Street would be affected.

In these circumstances, it is not considered that objections to the loss of daylight and sunlight could be supported.

### **Sense of Enclosure**

Objections have been received on the grounds that the proposals would result in an unacceptable increase in the sense of enclosure to windows at the rear of the adjacent mansion blocks. These contain two flats on each floor, with rear windows serving a variety of uses including bedrooms, living rooms and kitchens. The space between buildings is important to allow people to enjoy life without feeling enclosed. The encroachment of new buildings and extensions into such spaces can, by small degrees, adversely affect the quality of life with new development causing a substantial increase in the sense of enclosure.

The existing single storey building (which is 2.68m in height at the front rising to 4.3m at the rear of the sloping roof) is set back from the end wall of the rear projections to the main buildings by 3.3m. The proposed replacement building, which would measure 5.83m at its highest point, would be set only 1.9m away from the closest window wall at no. 92-94, and 6m from windows in the main rear façade. It is considered that this reduction in the space between the buildings, coupled with the proposed increase in height and bulk of the replacement dwelling house, would result in a material increase in the sense of enclosure to rear windows to habitable rooms on the lower ground and ground floors, some of which would lose all view of the sky, and the scheme is considered unacceptable on these grounds.

### **Privacy**

A number of the objectors consider that the proposed development would result in an unacceptable loss of privacy to windows at the rear of the neighbouring mansion blocks. The previous scheme, included a number of windows at the upper level, just 2m from the closest rear windows to Putney House. The current proposal has been designed so that most first floor windows are set within the side elevations of the building or are at right angles to the adjacent mansion block, preventing any direct views towards the existing windows. Only a skylight within the sloping roof, above the main staircase, looks towards the main building. In these circumstances, it is not considered that there would be any material increase in overlooking to flats within the mansion blocks.

An objection has been received on the grounds of potential overlooking to the ground floor bedroom window to the new residential apartment at 11 Hanson Street. These concerns are noted and had the application otherwise been considered acceptable, a condition would have been recommended requiring the installation of obscure glazing the north facing bedroom window (one of two) closest, to the boundary with 11 Hanson Street..

### **Light pollution**

Neighbouring occupiers are concerned about the potential for light pollution from the proposed skylights which serve the lower level kitchen/diner and bedroom, a bedroom and corridor on the upper level, and the main stair. It is noted that the existing building has no skylights. The proposed skylights provide supplementary natural light and have the benefit of reducing potential overlooking. As the proposed use of the building is as a dwelling, it is likely that lighting would be switched off at a reasonable hour and it is not considered that the installation of skylights would have a material impact of neighbours' amenities or upon levels of light pollution in the area. Consequently, these objections can be supported.

## **8.4 Highways**

One objector has expressed concern that the proposal will lead to an increase in parking demand. As there is no increase in the number of residential unit on the site, permission could justifiably be recommended for refusal on these grounds.

No cycle parking is shown on the application drawings. To comply with London Plan standards, two cycle parking spaces would be required. Should the scheme be considered acceptable, a condition could be imposed requiring the submission of detailed plans showing cycle parking provision.

## **8.3 Economic Considerations**

Any economic benefits generated by the scheme are welcome in principle.

## **8.4 Access**

Access arrangements are unchanged by the proposal.

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

### **Noise**

The concrete courtyard at the rear of the building provides private amenity space for the existing single storey dwelling. Objections have been received relating to the potential increase in noise disturbance arising from the use of this space, which would be reduced in size as a result of the development, from the occupation of the replacement dwelling and from future occupants coming and going via the main building access. Whilst these concerns are noted, it is not considered that the potential increase in building capacity through the provision of one additional bedroom, would have a significant adverse impact on neighbours' amenity.

**Refuse /Recycling**

The Cleansing Manager has confirmed that had the application been recommended for approval it would have been acceptable to condition the submission of further details of the waste and recycling storage.

**Other issues**

The provision of a green roof on the top of the new building is welcome. Had the application been considered acceptable a condition would have been recommended to ensure the provision and retention of the green roof area. An objector has expressed concern about the potential loss of shrubs and greenery in the courtyard behind 88-90 Great Titchfield Street on the basis that the development could only be constructed if this planting was removed. This courtyard is shared by occupants of the basement flats and also provides access to rear storage sheds. Although the proposal does not appear to indicate the removal of any of the existing plants in this location, the removal of this planting would not require planning approval.

**8.5 Neighbourhood Plans**

Not applicable

**8.6 London Plan**

This application raises no strategic issues.

**8.7 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.

**8.8 Planning Obligations**

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

**8.9 Other Issues****Construction impact**

Objections have been received regarding the potential for noise disruption during construction. It is accepted that any proposed development has the potential to result in noise disturbance but permission could not reasonably be refused on these grounds. Any permission would be subject to the standard hours of work condition but it is not considered appropriate to seek to further reduce these working times.

**Consultation**

Objectors have expressed concern that they were not consulted by the applicant prior to the submission of the planning application. Whilst this might be considered good

practice, it is not a legal requirement. The relevant legal notices have been served and the City Council has undertaken a full neighbour consultation.

### **Impact on water and sewerage facilities**

Objectors are concerned that the local water and sewage service network would not be able to accommodate any additional demands arising from the development. However, given the nature of the development, it is not considered that there would be any significant change in the likely demand for these services compared with the existing situation.

### **Means of escape**

Objections are concerned that the scheme provides inadequate means of escape in case of fire. Access to Great Titchfield Street is from the courtyard via the main building staircase and this arrangement is unchanged. The adequacy of the means of escape for the proposed development would be fully considered as part of any future application under the Building Regulations.

### **Impact on property values**

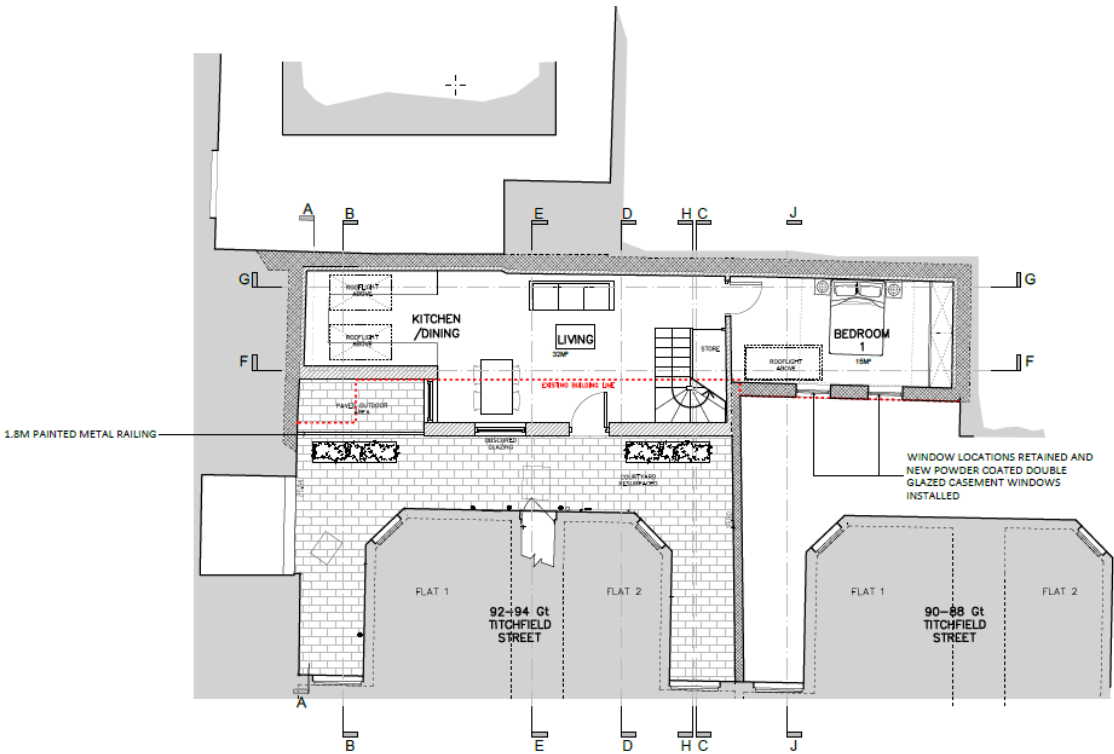
Respondents are also concerned that the proposal could adversely affect neighbouring property values. This is not a material planning consideration and permission could not justifiably be refused on these grounds.

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

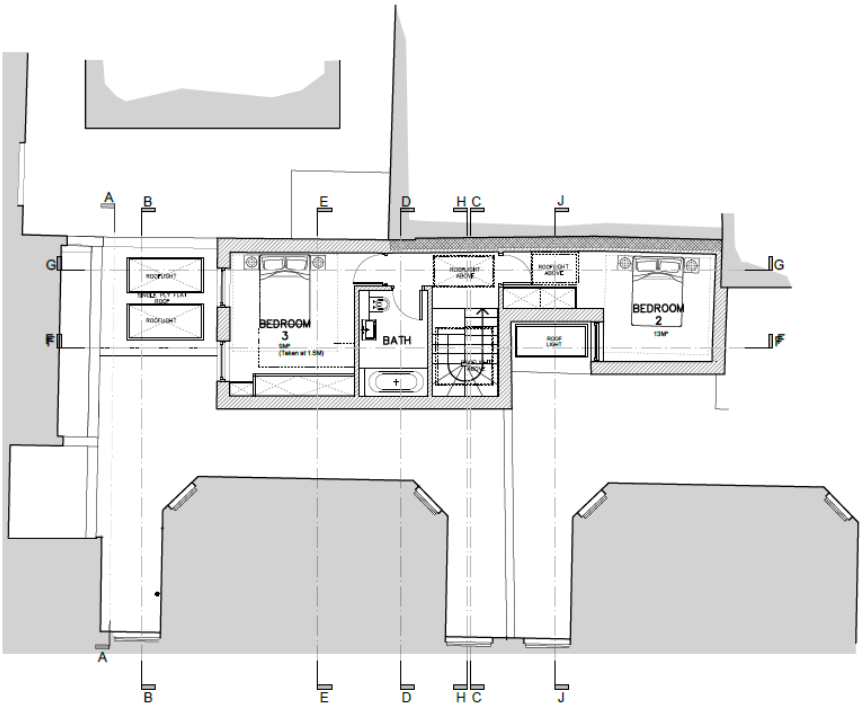
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT [sspurrier@westminster.gov.uk](mailto:sspurrier@westminster.gov.uk)

9. KEY DRAWINGS

Proposed Ground Floor:

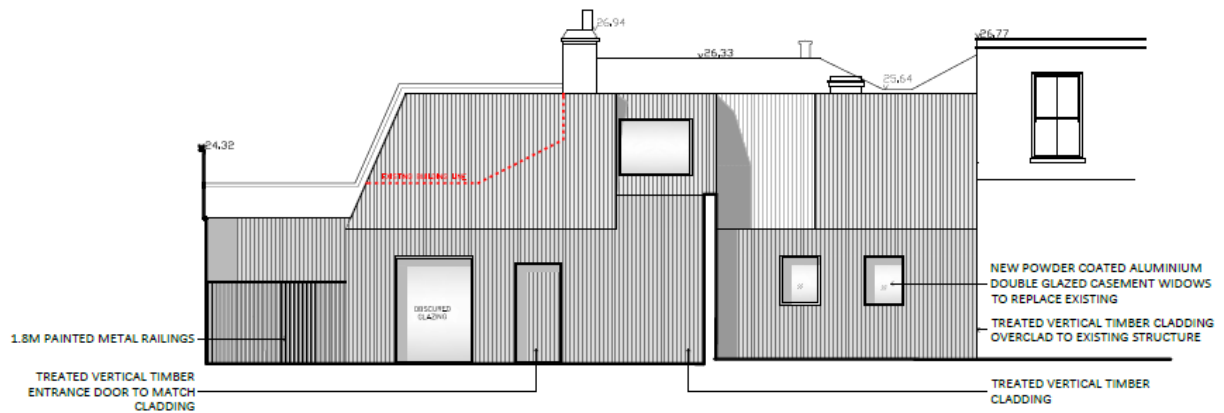


Proposed First Floor:

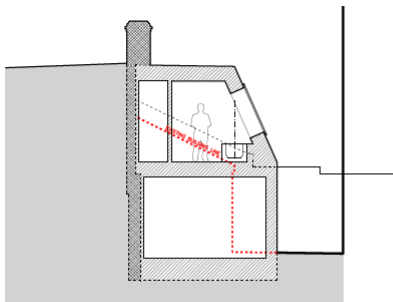




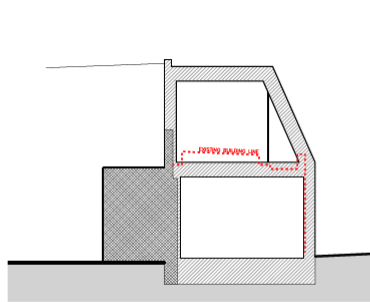
## Proposed Front Elevation:



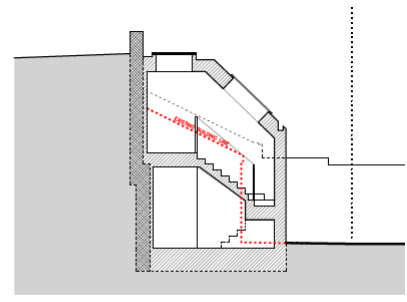
## Proposed Sections:



SECTION D-D



SECTION E-E



SECTION C-C

**DRAFT DECISION LETTER**

**Address:** Flat 13, Putney House, 92 - 94 Great Titchfield Street, London, W1W 6SF,

**Proposal:** Demolition of the single storey residential dwelling in the rear courtyard and erection of a new two storey building for use as 1 x 3 bedroom residential dwelling.

**Reference:** 18/04127/FULL

**Plan Nos:** Drawings: FUD\_202B RevB, FUD\_203A RevA, FUD\_204A RevA, FUD\_215, FUD\_216 RevA, FUD\_217, FUD\_218.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

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

Because of the proposed materials, the new building would fail to maintain or improve (preserve or enhance) the character and appearance of the East Marylebone Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)

**Reason:**

The proposal would result in an adverse loss of outlook and increased sense of enclosure to residential properties within 92-94 and 88-90 Great Titchfield Street. This is because of its bulk and height and how close it is to windows in those properties. This would be harmful to residential amenity contrary to Policy S29 of Westminster's City Plan (November 2016) and Policy ENV 13 of our Unitary Development Plan that we adopted in January 2007.

**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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.