CITY OF WESTMINSTER				
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification		
	30 April 2019	For General Release		
Report of		Ward(s) involved		
Executive Director Growth Planning and Housing		West End		
Subject of Report	17 Charles Street, London, W1J 5DT			
Proposal	Demolition of rear two-storey extension and erection of replacement two storey extension with associated terrace at first floor level for use in association with existing dwelling house (Class C3). Replacement of rear first floor windows with doors. Internal alterations including the lowering of basement level by approx. 300mm and associated alterations.			
Agent	Purcell LLP			
On behalf of	Mr & Mrs Juffali			
Registered Number	18/08273/FULL & 18/08274/LBC	Date amended/ completed	9 October 2018	
Date Application Received	27 September 2018			
Historic Building Grade	Grade II			
Conservation Area	Mayfair			

1. RECOMMENDATION

- 1. Grant conditional permission:
- 2. Grant conditional listed building consent;
- 3. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.

2. SUMMARY

The application site is located on the north side of Charles Street within close proximity to its junctions with Chesterfield Hill and Queen Street and bounded to the north by residential properties on Hays Mews. The building comprises a mid terrace house dating back from c. 1753 and which consists of basement, ground, first, second, third and fourth floor levels. The building is Grade II listed and located within the Mayfair Conservation Area. The current lawful use of the property is as a single-family dwelling (Class C3).

Planning permission and listed building consent are sought for the demolition of the two storey extension to the rear of the building and erection of replacement two storey extension with a terrace

Item	No.
3	

at first floor level, the replacement of rear first floor windows with doors, internal alterations at all levels including excavation to part of the basement floor level by approx. 300mm and associated alterations.

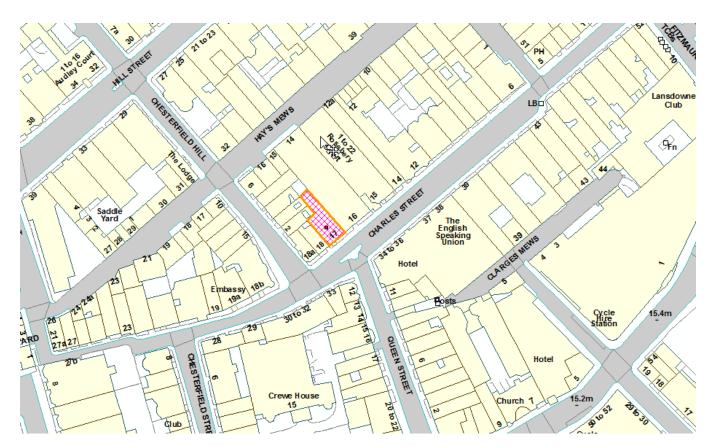
The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residents;
- The impact of the works upon both the special interest of the listed building and the Mayfair Conservation Area.

Consent has been granted on two previous occasions for the creation of a roof terrace at rear first floor level. The proposal is similar to the previous consents, but now includes internal alterations.

The proposal is considered acceptable and is in line with the policies within the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation given to determine the application as the City Council see fit.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS' GROUP

Any response to be reported verbally.

GEORGIAN GROUP

Objection raised to the changes to the plan form of the house.

LONDON UNDERGROUND

No objection subject to condition to ensure development does not impact on existing London Underground transport infrastructure.

TRANSPORT FOR LONDON

No comment.

ADJOINING OWNERS / OCCUPIERS AND ANY OTHER REPRESENTATIONS

No. of original consultees: 41

No. of objections: 2

Two objections have been received from neighbouring properties. The objections relate to:

- Loss of amenity due to increased noise from outdoors terrace
- Concerns relating to excessive noise during the construction period.
- Loss of daylight

PRESS ADVERTISEMENT AND SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

17 Charles Street comprises lower ground, ground and five upper floors in use as a single family dwelling house. The building is Grade II listed and is located within the Mayfair Conservation Area. The rear of the site is in close proximity to other properties surrounding the site, in particular those properties on Chesterfield Hill.

6.2 Recent Relevant History

Planning permission and listed building consent was granted on the 6 September 2016 for the demolition of existing glazed roof to the rear of the property and installation of a first floor roof terrace for use in association with dwelling house.

This permission allowed for a similar roof terrace to that currently being proposed.

Planning permission and listed building consent was then granted on 9 May 2017 for a variation to the 2016 consent to increase the depth of the first floor terrace and installation of associated privacy screen.

The 2017 consent allowed for a larger terrace than the 2016 consent and that currently proposed. The approved screening comprises opaque glazing and is 1.8m tall.

7. THE PROPOSAL

Permission and listed building consent are sought for the demolition of the existing two storey extension to the rear of the building. The existing extension includes a pitched glazed roof, the proposed two storey extension includes a flat roof, to allow for part of it to be used as a terrace. The new roof will not raise above the first floor level and it will be below the ridge height of the existing pitched roof. Screening around the terrace is proposed to reduce the impact the terrace will have on overlooking. The proposal also includes the replacement of rear first floor windows with doors, to allow access to the terrace. Internal alterations are proposed to all floors of the building.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application does not raise any land use issues.

8.2 Townscape and Design

17 Charles Street is a grade II listed building of c.1753. in the Mayfair Conservation Area. It is adjacent to the grade II* 16 Charles Street, and forms part of its setting.

The building consists of 5 storeys and basement. It must have originally had a very fine interior, but it has been much altered, chiefly in the 1950s. It retains a good staircase and fine ceilings in the ground and first floor front rooms, but the other decorative features and much of the fabric appears new.

The proposal is for a number of internal works. The key elements of the scheme are:

- The removal of modern partitions in the entrance hall and at upper floors
- new secondary staircases between the basement and ground floors, the second and fourth floors, and the fourth and fifth floors
- The conversion of modern windows in the first floor sitting room into doors leading onto a new terrace
- Alterations to the modern rear extension at first floor, ground and basement levels
- Alterations to the second floor landing

The following contentious elements have been removed from the scheme following discussion with the applicants:

- A new doorway between the entrance hall and dining room
- The opening-up of two large sections of wall into the first floor front room

An objection to the internal works has been received from the Georgian Group. Their principal objections, to the openings into the front room at ground and first floor levels, these objections have been overcome by the omission of these elements from the proposals. The remaining elements to which their objection refers, is the alteration of the plan form at second and third floors by inserting a stair into the existing lobby between front and rear rooms.

The evidential value of the lobby between front and rear rooms is uncertain. Certainly, it is an unusual plan form, but whether original, or whether it previously accommodated a secondary stair is uncertain.

Given that the proposed alterations are to floors above the primary rooms, and that it is feasible that a stair previously existed here, this element of the works is considered to be acceptable. The second floor landing has evidently been altered in the past. The proposed works here are therefore considered to be acceptable.

A further staircase is proposed between basement and first floors, at the rear of the building, replacing and existing stair between basement and ground floors only. This staircase is a later addition and its loss is acceptable. The new stair entirely contained within a rear room featuring no historic fabric. Its impact on the fabric and plan form is acceptable.

The removal of modern partitions is a benefit in terms of the plan form.

The works to the modern rear extension are considered uncontentious, Similarly the fourth and fifth floors are later additions, (nineteenth and twenty first century respectively), and the works here have little effect on the significance of the listed building.

8.3 Residential Amenity

The rear of the application site is in close proximity to the rear of the residential properties on Chesterfield Hill.

Two objections have been received on the grounds of noise and loss of privacy from the roof terrace, concerns have also been raised to the potential impact of the proposed privacy screen on daylight and sunlight.

During the consideration of the two previous applications, an objection was not forthcoming from 2 Chesterfield Hill. An objection has been received from this property on the grounds that there will be a loss of privacy as a result of the proposals, the objector has also raised concerns that the proposed privacy screen will have an impact on daylight and sunlight and states that as a bare minimum, the report should include the losses of daylight if the privacy screen was a solid obstruction.

Privacy

The windows at ground and first floor level of 2 Chesterfield Hill overlook the application site. The ground floor window serves a kitchen and opens into a courtyard between the two properties. The window/door looks onto the blank boundary wall. The window/door at first floor level serves a living room and leads out to an external balcony.

The consents in 2016 and 2017 included a condition to ensure that an obscure 1.8m high screen was erected on the boundary of the application site to protect the privacy of the occupants of 2 Chesterfield Street.

During the course of this application, negotiations have taken place with the occupiers of 2 Chesterfield Hill and the applicants, it is now proposed to build up the boundary wall by 200mm to install a glazed privacy screen (900mm). The objectors have requested that the screen comprises clear glazing. It is noted, however, that a clear screen will not protect the privacy of the objector.

Sunlight and Daylight

Policy S29 of the City Plan aims to improve Westminster's residential environment. UDP Policy ENV13 aims to protect and improve residential amenity, including the level of sunlight and daylight received to existing properties.

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

The application is supported by a daylight and sunlight report based on guidance published by the Building Research Establishment (BRE). The report assesses the impact on ground and first floor rear windows of 2 Chesterfield Hill.

Both of the windows face north east and therefore do not receive direct sunlight. These windows do not need to be tested (as they do not orientated within 90 degrees of due south) in line with the BRE Guidelines.

With regards daylight the submitted report indicates that the existing levels of VSC to the ground floor windows is low (4.66%). The existing low levels are largely due to high boundary walls surrounding this window. As a result of the proposals there is a loss of VSC above 20% (35%), with the resultant level being 3.05%. However, where there are existing low levels of VSC, even small losses will result in a high percentage change, it is not considered that the losses would be noticeable by the occupant. The resultant levels of VSC are not unusual in this dense urban context, where there are high boundary walls, a narrow courtyard and surrounding tall buildings. The BRE Guidelines are intended to be interpreted flexibly and it is considered that the loss of VSC to the ground floor window is acceptable. There is no loss to VSC levels to the first floor window.

The daylight and sunlight report has been based on the assumption that the screen enclosing the terrace will be low-opacity (translucent). The BRE Guidelines state that the transmission of light through glass and dirt on glass factors are applied in relation to the windows tested, not the surrounding windows or any external elements. As the screen is to be glazed and not a solid structure, the results as presented are consistent with the BRE Guidelines.

Noise

Objections have been submitted to the potential increase in noise as a result of the terrace. The terrace will be used in connection with the existing residential dwelling and given that it is a domestic use, it is not considered that the use of the terrace would increase noise levels to an unacceptable level.

A terrace at this level has been granted on two previous occasions and remains extant until September 2019. It would therefore be difficult to justify a reason for refusal on amenity grounds.

8.4 Transportation/Parking

The proposal does not raise any transportation issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The access arrangements to the property remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

The proposal includes the lowering of the basement floor by 300mm, this is considered acceptable.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

8.12 Planning Obligations

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

The proposal is not CIL-liable.

8.13 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

8.14 Other Issues

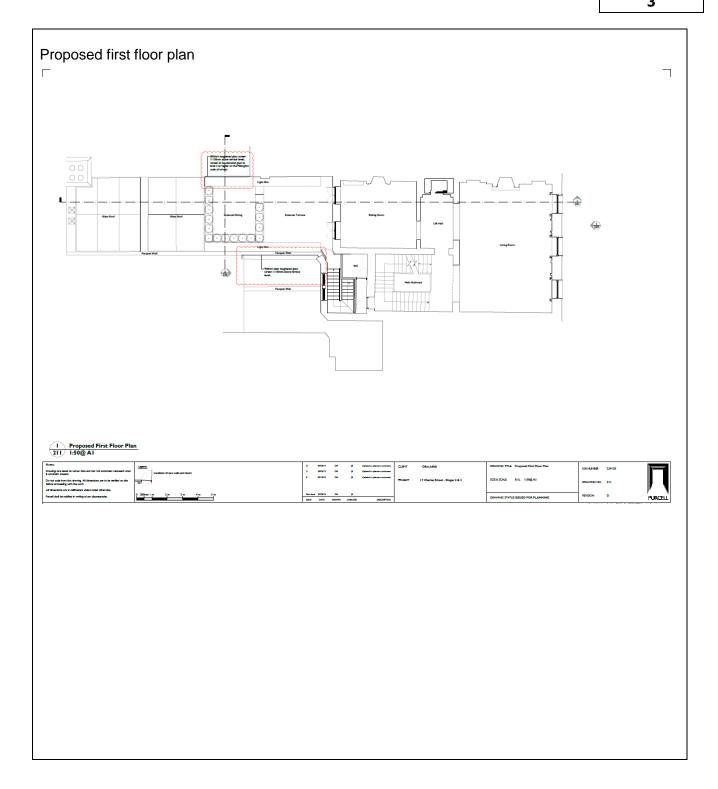
Objections have been received to the building works and associated disruption. Permission cannot be reasonably withheld on these grounds and the City Council standard building works condition is recommended. The objections on these grounds are not justified.

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

9. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 17 Charles Street, London, W1J 5DT

Proposal: Demolition of rear two-storey extension and erection of replacement two storey

extension with associated terrace at first floor level for use in association with existing dwellinghouse (Class C3). Replacement of rear first floor windows with doors. Internal alterations including the lowering of basement level by approx.

300mm and associated alterations.

Reference: 18/08273/FULL

Plan Nos: 201 REV A, 210 REV A, 211 REV D, 212 REV A, 213 REV A, 214 REV A, 215 REV

A, 216 REV A, 217 REV A, 120 REV A, 121 REV A, 220 REV D

Case Officer: Shaun Retzback Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

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 residents and the area generally as set out in \$29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

You must apply to us for approval of a sample of the glass (at least 300mm square) that you will use as the clear glass privacy screen adjoining the boundary of No. 2 Chesterfield Hill labelled on Drawing No. 211 REV D. You must then fit the type of glass that we have approved. You must not use the terrace until the clear glass privacy screen is in place and you must then retain it in situ in perpetuity.

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)

The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair 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)

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 Mayfair 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)

The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

Reason:

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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 Mayfair 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)

You must apply to us for approval of detailed drawings of the following parts of the development - all new external doors and windows. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

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 Mayfair 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)

You must apply to us for approval of photographs of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Mayfair 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)

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:, - provide details on all structures, - accommodate the location of the existing London Underground structures and tunnels, - accommodate ground movement arising from the construction thereof, - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

Reason:

Item	No.

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

Informative(s):

- 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, neighbourhood plan (where relevant), 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.
- The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation and construction methods.

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: 17 Charles Street, London, W1J 5DT

Proposal: Demolition of two-storey rear part of building and erection of replacement two storey

extension with associated terraces above for use in association with existing dwellinghouse (Class C3). Replacement of rear first floor windows with doors,

associated internal alterations.

Reference: 18/08274/LBC

Plan Nos: 201 REV A, 210 REV B, 211 REV E, 212 REV B, 213 REV B, 214 REV B, 215 REV

B, 216 REV B, 217 REV A, 121 REV A, 220 REV D

Case Officer: Shaun Retzback Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

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.

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 Mayfair 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)

You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development, , All new doors and windows, New staircases, Second floor landing details, ,

Item No.

You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these drawings. (C26DB)

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 Mayfair 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)

The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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 listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

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 Mayfair 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):

- 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, the London Plan 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 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)