

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date: 14 May 2019</b>	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>5 Wimpole Street, London, W1G 9ST,</b>		
<b>Proposal</b>	Use of 5 Wimpole Street and 24 Wigmore Place as a single-family dwellinghouse. Excavation of a basement, demolition of existing roof and erection of replacement mansard roof extension, creation of rear windows and rear ground floor opening and installation of rear access stair to rear first floor of 24 Wigmore Place. Installation of air conditioning units in front pavement vault and at roof level of 5 Wimpole Street and in the mews house garage below the garden staircase, and other associated external and internal alterations to both buildings (Site includes 24 Wigmore Place).		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	FIJ PTC Limited		
<b>Registered Numbers</b>	18/06066/FULL 18/06067/LBC	<b>Date applications amended/ completed</b>	23 July 2018
<b>Date Applications Received</b>	18 July 2018		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

1. Grant conditional permission
2. Grant conditional listed building consent.
3. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

The application relates to a single family dwelling house on Wimpole Street and a mews building (23 Wigmore Place) which provides ground floor garaging for the main house, with a separate first floor flat. There is access between the buildings, which are currently vacant, via the central garden. Planning permission and listed building consent are sought for the erection of a mansard roof extension to, and the excavation of a basement beneath, the mews building and for alterations to the rear including the formation of new window openings and the introduction of an access stair from the garden to first floor level, with air conditioning units beneath. It is also proposed to install new air conditioning units to the front pavement vaults at 5 Wimpole Street and on the main roof. Internal

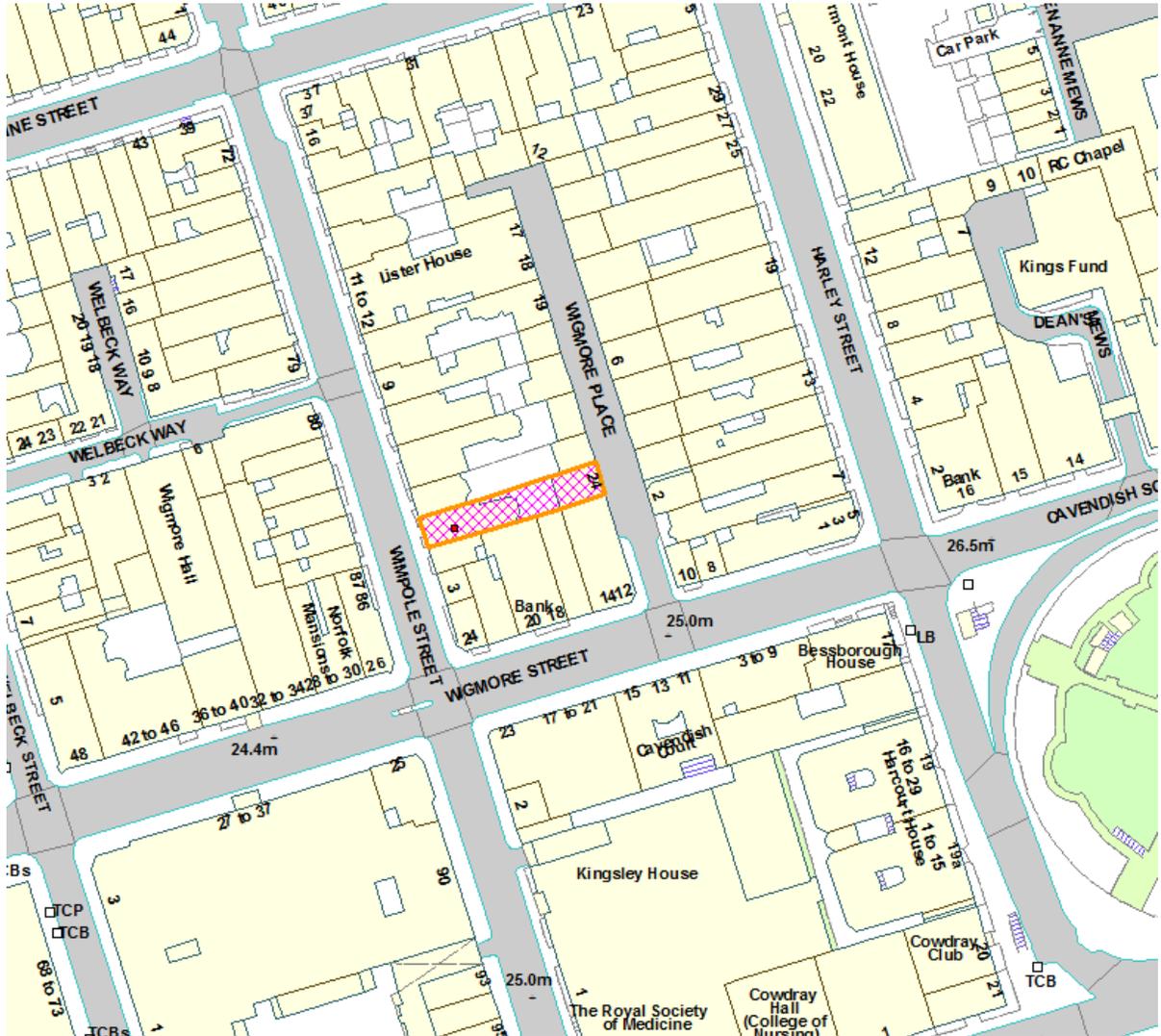
alterations are also proposed to both buildings which would be converted to use as a single dwelling house, with integral garage.

The key considerations are:

- The acceptability of the loss of the existing flat
- The impact of the proposals upon the amenity of neighbouring residential properties, and
- The impact of the proposals on the special interest of the listed buildings and upon the character and appearance of the Harley Street Conservation Area.

Given that that the ground floor garaging within 23 Wigmore Place is demised to the occupants of 5 Wimpole Street, it is considered that the historic link between the townhouse and the mews is still strong. As such, an argument can be made that the proposal involves returning a converted house to a family-sized dwelling. This is one of the exceptions within City Plan Policy S14 to the general policy presumption against the loss of residential units. The revised development is considered acceptable in terms of its impact upon the amenity of neighbouring properties. The scheme complies with Council policies relating to basement development and the works are considered to safeguard the special interest of the listed buildings and to preserve the character and appearance of the Harley Street Conservation Area. The proposals would comply with relevant Unitary Development Plan and City Plan policies and, subject to conditions, the applications are therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Wimpole Street Frontage (left) and Wigmore Place Frontage (right)



## 5. CONSULTATIONS

### HISTORIC ENGLAND:

Authorisation to determine the application as seen fit

### MARYLEBONE ASSOCIATION

Concern regarding:

- Noise disturbance from use of proposed roof terraces (terraces now deleted).
- Long term maintenance of planted screen and its effectiveness in preventing noise disturbance to neighbouring properties and its maintenance (screening now deleted with terraces).
- Loss of domed roof regrettable (now to be retained).

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### ARBORICULTURAL SECTION

No objection subject to conditions

### BUILDING CONTROL

No objection

### THAMES WATER

No objections – request informatives

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 41

Total No. of replies: 9

No. of objections: 9 (a number of the letters received were to both the planning and listed building applications and are duplicate, in part, and from the same neighbours)

Seven objections have been received covering some or all of the following grounds:

#### Amenity:

- Overlooking from proposed roof terraces to neighbouring windows and gardens,
- Noise impact from proposed roof terraces,
- Noise disturbance from the introduction of fully opening windows at the rear of Wigmore Place property,
- Noise impact during construction works
- Potential overlooking from new mansard windows

#### Basement:

- Basement excavation is contrary to policy and planning guidance (damage tree roots, out of context with listed building)
- Basement will cause damage to existing trees, submitted information considered to be insufficient to satisfy no damage will occur,
- Basement has no usable space or windows,
- Undermining of structural integrity of building during excavation of basement

Design and Conservation:

- Full width openings to the rear of Wigmore Place property are uncharacteristic in this location,
- Mansard on Wigmore Place property will alter the character and appearance of the street, revisions suggested to reduce this impact,
- No precedent in the vicinity for roof terraces, (since deleted)
- Loss of existing domed lead roof at rear of 5 Wimpole Street, (now retained)

Other

- Loss of car parking spaces

One objection has subsequently been withdrawn following amendments to the planning application which removed both of the roof terraces from the proposal.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

This application relates to grade II listed buildings in the Harley Street Conservation Area. As set out in detail in Section 8.2 of this report, 24 Wigmore Place is considered to be within the curtilage of 5 Wimpole Street and is therefore also listed. 5 Wimpole Street, on lower ground, ground and three upper floors, is a single family dwelling. The Wigmore Place mews building comprises a ground floor garage, which provide parking for the main house, and a separate first floor flat. There is access between the building via a door into the central garden. Both buildings are currently vacant.

The neighbouring properties to the north, on both Wimpole Street and Wigmore Place are in residential use. Records also indicate that there are residential properties on the upper floors of 4 Wimpole Street, and at 12-14 and 20 Wigmore Street, which back on to the southern side boundary.

### **6.2 Recent Relevant History**

None

## **7. THE PROPOSAL**

Planning permission and listed building consent are sought for various internal and external alterations to the existing building in connection with their refurbishment to provide a single family dwelling house.

To the mews building at 24 Wigmore Place, it is proposed to excavate a single storey basement extension under the existing building footprint, to remove the existing roof and to erect a mansard roof extension, with front and rear dormer windows. At the rear, a full width window opening would be introduced at ground floor level and a new stair link installed between the garden and first floor, adjacent to the boundary with 16 Wigmore Street, with new conditioning units beneath. To the front, minor alterations including the

replacement of a metal roller-type garage door with painted timber doors. The internal layout would be modified.

New air conditioning plant is also proposed within the front pavement vaults at 5 Wimpole Street, and at main roof level. Internal alterations include the removal of an entrance lobby, modifications to the junction with the garden room at ground floor level, the replacement of non-original fireplaces and the extension of chimneybreasts to accommodate services.

The original submission included the creation of roof terraces at the rear of both properties. This aspect of the proposals was the subject of objections from neighbouring occupiers and the local amenity society and, following negotiations, the terraces and associated planted screens have been removed from the proposals.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Residential use**

The main house provides 524 sqm of residential floorspace, with 117 sqm in the mews. The proposed basement and roof extensions to the mews building would provide 99.2sqm (GIA) of additional residential floorspace on that part of the site. This increase in residential floorspace is acceptable in land use terms, complying with Policy H3 of the UDP and Policy S14 of the City Plan.

The mews building at 24 Wigmore Street is in the same ownership as the main townhouse at 5 Wimpole Street. Indeed, the ground floor garaging forms part of the same planning unit and serves the occupants of the townhouse with access to this garaging possible from the rear garden. The first floor flat at 24 Wigmore Place, however, has independent access from the mews and, despite being in the same ownership, forms a separate planning unit that pays separate Council tax.

Notwithstanding the increase in residential floorspace proposed, the proposal will result in the loss of a residential unit in the form of the first floor flat at 24 Wigmore Place. In order to achieve and exceed the borough housing targets set out in the London Plan (2016), City Plan Policy S14 states that any proposals resulting in the reduction in the number of residential units will not be acceptable save for three exceptions. One of these exceptions is where a converted house is being returned to a family-sized dwelling or dwellings. The reasoned justification for this policy states, *'Formerly converted houses which would provide family-sized homes will also be an exception because of the shortage of family homes with gardens in the city and the benefits of such 'de conversion' would bring to providing a range of accommodation'*.

Historically, 5 Wimpole Street would have had a mews building providing ground floor stabling and accommodation for staff at first floor level. As such, both 5 Wimpole Street and 24 Wigmore Place could be considered as being a 'converted house' that is being returned to a family sized dwelling, in accordance with one of the exceptions to the loss of residential units within City Plan Policy S14. If this approach is taken more widely, however, this could result in the loss of a large number of mews dwellings that have long

been separated off both physically, functionally and in terms of ownership from their townhouse. This would clearly seriously undermine the City Council's ability to meet its housing targets, with each dwelling lost having to be re-provided elsewhere just to maintain the current number of dwellings in the City. It is not considered that in such circumstances the townhouse and the mews house could reasonably be considered as being a 'converted house' and therefore would not satisfy one of the exceptions within City Plan Policy S14.

The current proposal, however, is considered to be different in that the ground floor garaging already forms part of the demise of the main townhouse and therefore the historic link between the townhouse and the mews is still strong. Furthermore, having a self-contained flat at first floor is not significantly different from the historical situation of ground floor stabling with staff accommodation above. Under these terms, however, no additional family homes with gardens would be provided. An argument can be made that the proposal falls within the exception to the loss of residential units whereby a converted house is being returned to a family-sized dwellings. For these reasons, despite the loss of a residential unit, it is considered that the proposal is in accordance with City Plan Policy S14.

## 8.2 Townscape and Design

5 Wimpole Street is a grade II listed terraced house of c.1785, listed as a pair with no. 6. The mews building, 24 Wigmore Place, is in the same ownership as the main house and appears to have been since the time of listing. There is access between the two buildings in the form of a door to the garden and the use of the part of the mews (garaging) is ancillary to the use of the main house. For these reasons the mews building is considered to be listed as part of the curtilage of 5 Wimpole Street.

The proposed works to the mews building include the erection of a mansard roof extension with front and rear dormer windows; the installation of doors/windows at rear ground and first floor levels, the creation of new doors in the rear elevation, and the excavation of a new basement.

An objection has been received on the grounds that the proposed roof addition would a 'canyon like' effect in Wigmore Place and design amendments are suggested to lessen its impact. The mews building is flanked by a much taller building to the south, and a building with an existing mansard extension to the north. As the mews building does not date to the same phase of development as the main building, its fabric is of lesser significance and the loss of the roof structure is not considered to be harmful to the building's special interest. The introduction of an appropriately detailed mansard roof would be acceptable in principle.

The mansard would be set back behind the parapet and the roof profile is considered to address concerns regarding 'canyonisation'. The larger setback suggested by the objector would be an uncharacteristic feature and would be undesirable. In these circumstances, the proposed roof extension is considered acceptable in townscape terms, preserving the character and appearance of the Harley Street Conservation Area. For this reason, it is not considered that the objection could be supported. The proposed dormer windows are acceptable in design terms, subject to details.

Objections have also been raised on the grounds that the design of the rear ground floor opening to the mews building is inappropriate. The windows/doors have been the subject of negotiation. They now take the form of a single, wide, set of windows, which would be covered by sliding 'coach doors' which would always cover two window panels. While the ground floor window openings will have a variety of possible configurations, some of them uncharacteristic in a mews building, overall the approach is considered to be acceptable, as there will never be a full width glazed opening and the objectors concerns are considered to be addressed by the revised design. The proposed sliding sash windows at rear first floor are acceptable, subject to detailed design.

The new garage doors facing onto Wigmore Place are consistent with the advice in The City Council's SPGs, Mews and Development and Demolition in Conservation Areas.

Objectors also consider that the proposed basement excavation beneath the mews would cause harm to the hierarchy of spaces, contrary to the Council's policy and planning guidance relating to basement excavation. The mews building dates from considerably later than the host building, and its significance lies mainly in its external appearance. The proposed excavation is for one additional storey under the existing building footprint and the floor to ceiling height is not excessive. Consequently, this aspect of the scheme is not considered to harm the special interest of this listed building and therefore the objections to the new basement cannot be supported.

The most significant proposed works to the main building at 5 Wimpole Street are the internal alterations, including the removal of an entrance lobby on the ground floor, modifications to the junction of the garden room with the main house, the replacement of non-original fireplaces, and the extension of chimneybreasts to accommodate services.

The internal alterations are acceptable in listed building terms. The changes are modest, and respect the historic interiors. The loss of the draft lobby at ground floor would not be resisted. It is a later addition and the reinstatement of the original plan form is, in this case, considered to outweigh the loss of a small amount of Victorian joinery.

The reinstatement of the fireplaces would be a benefit, providing that the replacements are either original fireplaces of the late eighteenth century or scholarly replicas. The detail of the replacement fireplaces should be reserved by condition. Other changes to the plan form are generally welcome, removing later accretions.

The original scheme proposed to replace the domed lead roof to the garden room with a roof terrace. This part of the scheme was the subject of several objections and has now been omitted from the applications.

One objector observes that the loss of any part of a building that contributes to its special interest in contrary to the NPPF, and should be balanced by equivalent benefits. These comments are understood to relate to the loss of the garden room roof. However, they could equally relate to the loss of the mews roof, to the loss of the draft lobby and to the loss of the mews interior at ground floor level, including rough panelling and an inspection pit. As set out above, the garden room roof is now proposed to be retained and the structure of the mews room is not considered to contribute to its special architectural or historic interest and therefore its loss is not harmful to the special interest of this building. The loss of the ground floor interior of 24 Wigmore Street

is, however, considered to cause some small degree of harm to the special interest of the building. However, the historic building benefits of the proposal (including the reinstatement of fireplaces within 5 Wimpole Street and improvements to the mews elevation at 24 Wigmore Place), would provide sufficient historic building benefit to outweigh this small degree of harm. The proposal is considered to result in a net benefit to the special interest of these listed building and therefore there is no residual heritage harm to weigh against any public benefits derived from the proposal. Consequently, it is not considered that this objection can be upheld.

In conclusion, subject to conditions (including securing the beneficial heritage works), the proposals are considered to safeguard the special interest of the listed building and to preserve or enhance the character and appearance of the Harley Street Conservation Area.

### **8.3 Residential Amenity**

Records indicate that the application site is bounded by residential properties to the north, on both frontages. There are also residential uses on the upper floors of 4 Wimpole Street and at 12-14 and 20 Wigmore Street, to the south, and on the opposite side of Wigmore Place.

#### **Overlooking**

The original proposal included the creation of first floor roof terraces at the rear of both buildings. Objections were received from neighbouring occupiers and the Marylebone Association on the grounds of loss of privacy (and noise disturbance) resulting from the use of the terraces. Because no form of privacy screening could be provided which was considered acceptable in design terms, the terraces have been deleted from the scheme.

A condition is recommended to prevent the use of the existing first floor flat roof to the Wigmore Place building for sitting out. This roof was previously inaccessible (but now could be as a result of the new windows and access door to the external stair), and it is considered that its use would result in unacceptable overlooking to neighbouring sites.

One objection has been received raising concern regarding possible increased overlooking from the proposed roof extension to properties on the opposite side of Wigmore Place. The proposed mansard is both set back from the existing building line, and contains three dormer windows (largely matching the existing fenestration pattern on the floor below). The relationship between the buildings is that commonly found within a mews and it is not considered that the provision of traditional sash windows within the roof addition would result in a material increase in the potential for overlooking to the properties opposite. Similarly, it is not considered that the installation of dormer windows to the rear of the extension would result in a material loss of privacy to neighbouring properties.

#### **Noise disturbance**

Objections have been received to the large garden level window/door openings proposed to the rear of the mews building. Objectors are concerned that, when opened,

the noise emanating from the building would result in unacceptable noise disturbance. Whilst officers acknowledge these concerns, it is not considered that any noise emanating from the residential building is unlikely to cause significant losses of amenity to neighbouring residents or would be materially greater than that which could escape via a more traditional window/door arrangement. Consequently, it is not considered that the concerns raised could justify a recommendation for refusal.

### **Sunlight and Daylight**

UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties and to safeguard daylight and sunlight levels to neighbouring buildings. Policy S29 of the City Plan aims to improve the residential environment of Westminster

The application is supported by a detailed daylight and sunlight report (in accordance based on BRE (Building Research Establishment) guidelines. The report assesses the impact of the development on properties at 4 and 6 Wimpole Street, nos. 2, 3, 4 and 23 Wigmore Place, and 12-14 Wigmore Street.

#### Daylight

Under the BRE guidelines, the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky received at the outside face of a window, at its centre point. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The report demonstrates that the windows assessed will experience only small losses in daylight, all below the 20% threshold identified by BRE guidance. The most significant reduction in VSC (13%) is to ground floor windows at 4 Wigmore Place (from 4.73% to 4.16 %) and at 18-22 Wigmore Street (from 22.04 % to 19.27 VSC%). In both cases, these losses will not be noticeable.

#### 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. If the level of sunlight received 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 loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The sunlight assessment demonstrates that although there would be some reductions in annual sunlight levels (APSH), these would be below the 20% threshold. The most significant reduction would be 17% to the ground floor window at 4 Wigmore Place.

In these circumstances, it is not considered that there would be a material loss of daylight and sunlight received to neighbouring properties

### **Sense of Enclosure**

It is not considered that the proposed mansard roof extension on the Wigmore Place building will result in any significant increase in the sense of enclosure to any surrounding properties.

In conclusion, subject to conditions it is considered that the proposals would comply with UDP policy ENV13 and S29 of the city Plan and that the amenity of neighbouring properties would not be materially affected.

### **8.4 Transportation/Parking**

The existing garage located in the Wigmore Place building is being retained. There will therefore be no loss of off street car parking. One objection has been raised on the grounds that they believe the whole ground floor of the mews building is a garage and it can therefore accommodate many cars, and not one car as stated by the applicant. A site visit to the property, and the submitted existing drawings, show that the objector is incorrect in their assertion as only part of the ground floor is accessible as parking. The rest of the ground floor is separate rooms accessed from the parking area and the access stairs to the first floor flat. While the area for parking is large, it would be considered difficult to fit more than one car in the space. It is not considered that this objection can form any part of a reason to refuse permission for this application.

The proposed ground floor layout of the Wigmore Place building is very open plan. This area is intended to provide both space to park a vehicle and for use as a living area. The retention of the provision of at least one space to park a car in this area will be secured by condition to ensure that there is no loss of off-street car parking.

### **8.5 Economic Considerations**

Any economic benefits generated by the proposals are welcomed.

### **8.6 Access**

There is no change to the access arrangements to either building as a result of these proposals.

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

#### **Plant**

The application is accompanied by an acoustic report. This has been assessed by the Council's Environmental Health officer who has confirmed that the proposed plant installations in the front basement vault and to the roof of the main house, and beneath the proposed rear garden stair to the mews building) is likely to comply with the relevant noise criterion within UDP Policy ENV 7. A number of the proposed units require acoustic enclosures for the noise requirements to be met. The installation of these will be secured by condition.

## Trees

UDP Policy ENV 16 states, '*All trees in conservation area and all trees subject to Tree Preservation Orders will be safeguarded*', as well as stating, '*Planning permission will be refused for development likely to result in the loss or damage to a tree...*'.

There are two mature London plane trees which have the potential to be affected by the development, the first in the rear garden of the application site and the second in the rear garden at 6 Wimpole Street.

One objector has expressed concerns, initially shared by the Council's Arboricultural Officer, that the proposed development would have a potential adverse impact on the trees. The information within the submitted Arboricultural Impact Assessment (AIA) was not considered to adequately assess the potential impact of the development. However, following additional investigations and two trial excavations being conducted on site, which were inspected by the Council's Arboricultural Officer, it is considered that the development is unlikely to affect the trees in question. There is, however, a possibility that large structural roots from the London plane trees could be present at greater depths than were exposed by the trial holes (1.3m) and could also be growing beneath the mews building. However, on the basis of the evidence of the site investigations it would be difficult to refuse the application because of the potential impact on the trees. In these circumstances it is recommended that conditions are imposed to secure the submission of a method statement detailing all proposed tree protection measures and details of the foundations for the external staircase and the load spreading permeable surface in the rear garden.

A further objection was received stating that the additional information submitted does not appear to be sufficient to demonstrate no damage will occur to the trees. However, subject to the conditions outlined above, it is not considered that permission could reasonably be withheld.

### 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

Not applicable

### 8.10 London Plan

This application does not raise any 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and the submission of a method statement explaining the measures taken to protect the trees on and adjoining the site. The applicant has agreed to the imposition of the condition.

### **8.12 Planning Obligations**

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

### **8.13 Environmental Impact Assessment**

An Environmental Impact assessment is not required for a proposal of this scale.

### **8.14 Other Issues**

#### **Basement**

The proposal includes the excavation of a single storey basement below the Wigmore Place building. The proposed basement development is compliant with the City Plan policy on basement development (Policy CM28.1). As the basement will be wholly beneath the footprint of the existing building, policy requirements regarding landscaping etc. are not applicable. The site is not located in a flooding hotspot area or an area of special archaeological priority.

An objection has been received on the grounds that they are certain that the proposed excavation (and associated demolition of parts of the building) will undermine the structural integrity of the building. The Building Control Officer has assessed the proposed structural methodology statement and considers that the submitted details to be satisfactory. Further details regarding structural integrity of the building and the impacts the construction process will have on this are provided to the Environmental Inspectorate as part of the Code of Construction Practice. The Code is discussed in more detail in the section below. It would not therefore be reasonable to withhold permission on the grounds of this objection.

The applicant has submitted the required Appendix A to indicate its compliance with the Code of Construction Practice. Compliance with this would be secured by condition.

An objection has been received on the grounds that the proposed basement development does not comply with the adopted basement policy or the Supplementary Planning Guidance (SPG) on such development. The objector considers that overall scale of the existing building is fundamental to its character and historic interest. This objection is discussed in section 8.2 above.

The objector also expresses concern that the proposed basement will not provide a usable space as it has no adequate natural lighting. The proposed plans indicate a rooflight, located internally at ground floor level, which is sited below the first floor rooflight on the flat roof and next to the proposed ground floor opening at the rear of the mews building. Although the proposed rooflight is not particularly large, the plans show that the basement is not intended to be used as habitable space. Additionally, as the basement comprises only a small part of a large dwelling house, it is not considered that the relatively poor levels of light achieved would compromise the overall standard of amenity provided to future occupiers. It is therefore not considered this part of the objection can be upheld.

The objector also states that the proposed basement development is contrary to the SPG on basement development which seeks to prevent damage to, and the loss of, trees as a result of such works and also identifies the importance of avoiding root severance as a result of excavation. This matter is discussed in section 8.7 above. With appropriate conditions in place, it is not considered that these concerns could justifiably form the basis of a recommendation for refusal.

### **Construction Impact**

Objectors have raised concern regarding the impact on amenity and the area during the course of construction.

The Council's Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments and schemes involving basement excavation. In recognition that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these, the Council's new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code.

Furthermore, City Plan Policy S29 states, '*The development of major infrastructure projects and where appropriate, other projects with significant local impacts will need to mitigate, avoid or remedy environmental and local impacts, both in construction and operation, and this will be achieved through compliance with the relevant parts of the Council's Code of Construction Practice*'.

An objector has requested that acoustic baffling be installed to any scaffolding to mitigate any sound from construction works. Another respondent has expressed concern about the potential use of Wigmore Place by construction traffic. Such matters are now

more properly addressed as part of discussions around the Code of Construction Practice and could not justify the refusal of planning permission.

### **Biodiversity**

The revised proposals include a sedum roof on the existing first floor flat roof at the rear of the Wigmore Place property. This feature is welcomed and will be secured by condition.

### **Thames Water**

Thames Water, whilst not objecting to the proposals, have made comments regarding construction details, water pressure and the existence of sewers in the vicinity of the site. These matters will be dealt with by informatives, as appropriate.

(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: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

### 9. KEY DRAWINGS

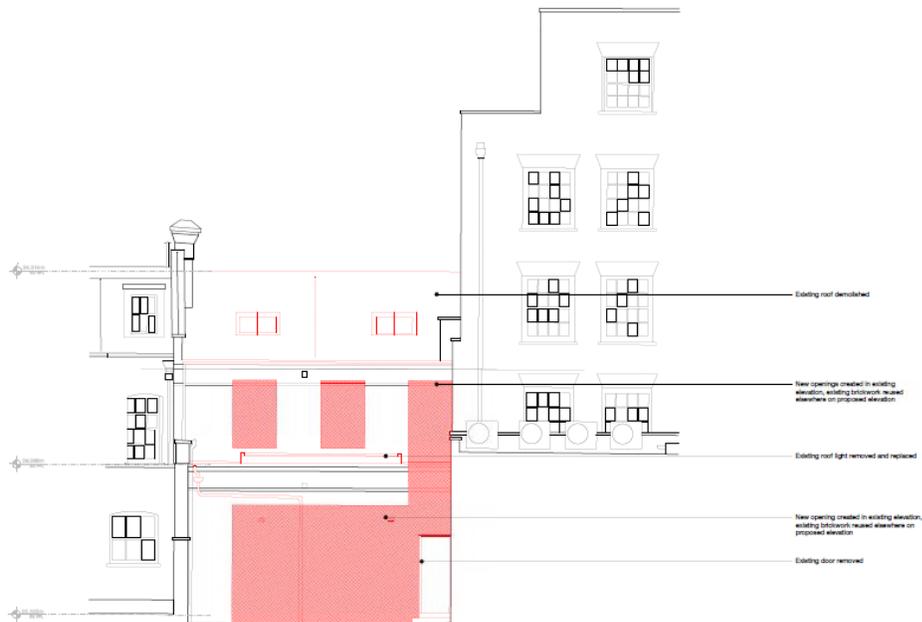
#### Existing/Demolition Wigmore Place Front Elevation



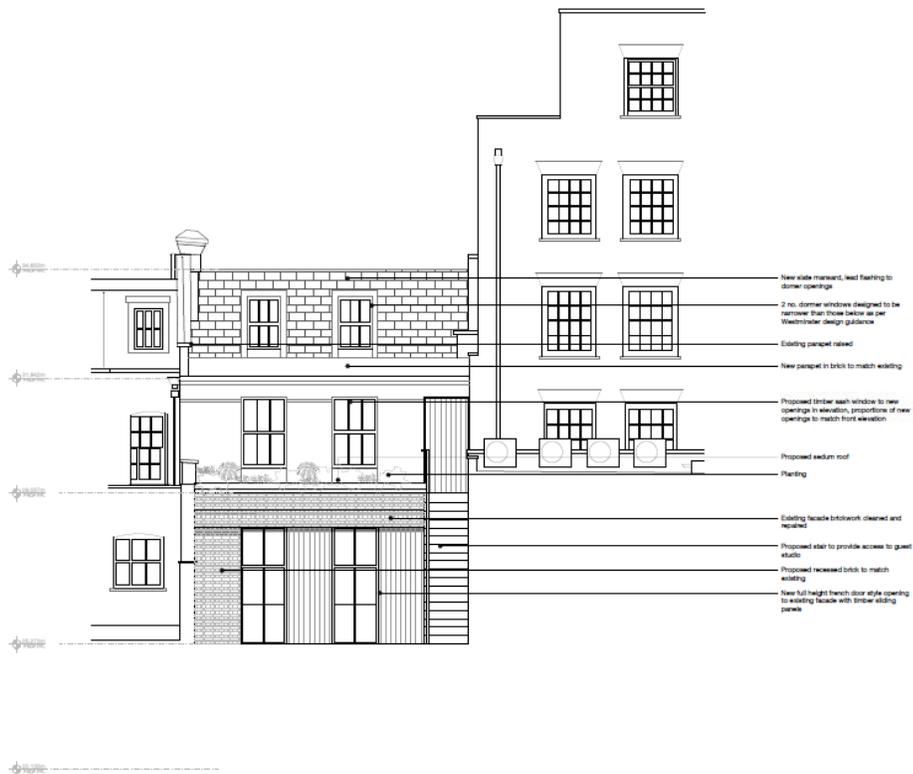
#### Proposed Wigmore Place Front Elevation



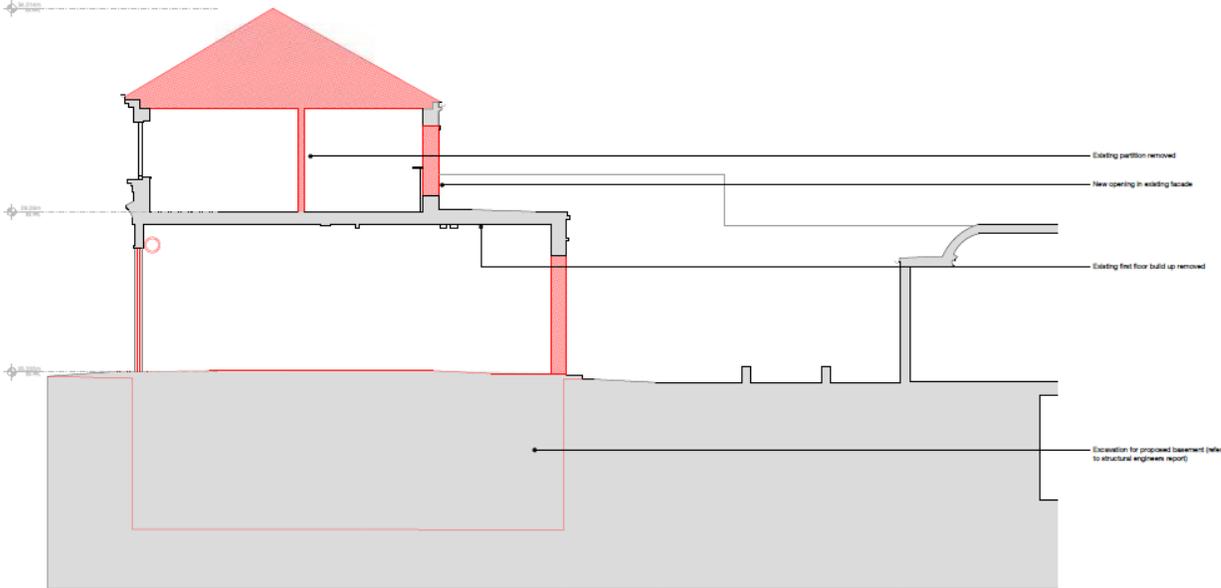
### Existing/Demolition Wigmore Place Rear Elevation



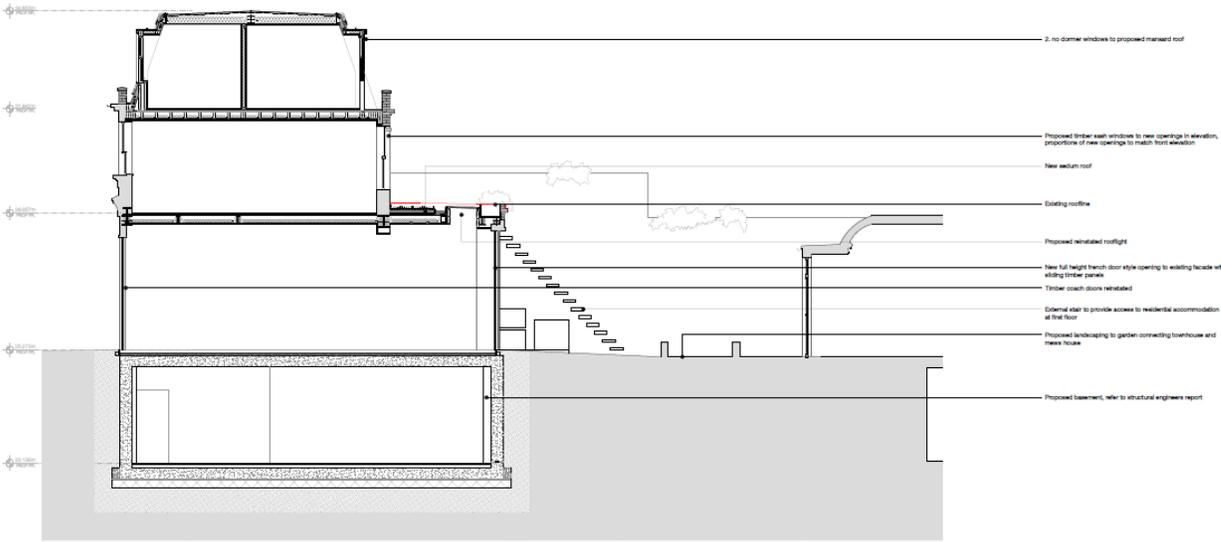
### Proposed Wigmore Place Rear Elevation



**Existing/Demolition Wigmore Place Section 04**



**Proposed Wigmore Place Section 04**



**DRAFT DECISION LETTER**

**Address:** 5 Wimpole Street, London, W1G 9ST,

**Proposal:** Alterations including excavation of a basement extension, demolition of existing roof and erection of mansard roof extension, installation of rear windows and new access stair from garden to first floor, with new plant beneath, at 24 Wigmore Place; installation of air conditioning units in front pavement vault and at roof level at 5 Wimpole Street and use of the buildings as a single family dwelling house (Class C3) (site includes 24 Wigmore Place)

**Reference:** 18/06066/FULL

**Plan Nos:** Demolition Drawings:  
T1B Rev. A ; T10 Rev. C ; T11 Rev. C ; T12 Rev. C ; T13 Rev. C ; T1R Rev. C ;  
M10 Rev. B ; M11 Rev. B ; M1R Rev. A ; 030 Rev. A ; 031 Rev. B ; 032 Rev. A ;  
033 ; 051 Rev. B ; 053 Rev. A

Proposed Drawings:  
T2B Rev. C ; T20 Rev. D ; T21 Rev. D ; T22 Rev. D ; T23 Rev. D ; T2R Rev. E ;  
M2B Rev. C ; M20 Rev. C ; M21 Rev. D ; M22 Rev. D ; M2R Rev. D ; 040 Rev. A ;  
041 Rev. C ; 042 Rev. D ; 043 Rev. A ; 061 Rev. D ; 063 Rev. D

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

**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 residents and the area generally as set out in S29 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)

- 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must not use the flat roof at rear first floor level of the Wigmore Place building for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance.

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)

- 5 You must apply to us for approval of detailed drawings (at scale 1:20 and 1:5), or other items as listed, of the following parts of the development:
- All new doors and windows,
  - New glazed roof to ground floor reading room,
  - New dormers (construction and materials), and
  - New external stair to mews building.

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 details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The new mansard must be covered in natural blue/grey slate.

**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 Harley Street 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)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 9 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 10 **Pre Commencement Condition.** Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

To protect the environment of residents and the area generally as set out in S29 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)

- 11 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 12 You must apply to us for approval of details of the foundations for the external staircase and for the load spreading permeable surface in the rear garden. You must not start work on this part of the development until we have approved what you have sent. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

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

- Sedum roof

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 14 You must maintain space to park at least one car in the ground floor area of the Wigmore Place building. This parking space(s) can only be used by people living in this property to park their private motor vehicles.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

**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.

- 2 Conditions 7 and 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 With reference to condition 10 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)

- 7 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 8 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 9 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 10 Please contact Thames Water with any questions or concerns regarding discharge of waste water or sewerage from the site.

Should there be the intention as part of these proposals to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

Item No.
<b>5</b>

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:** 5 Wimpole Street, London, W1G 9ST,

**Proposal:** Alterations including excavation of a basement extension, demolition of existing roof and erection of mansard roof extension, installation of rear windows and new access stair from garden to first floor, with new plant beneath, at 24 Wigmore Place; installation of air conditioning units in front pavement vault and at roof level at 5 Wimpole Street; internal alterations (site includes 24 Wigmore Place)

**Reference:** 18/06067/LBC

**Plan Nos:** Demolition Drawings:  
T1B Rev. A ; T10 Rev. C ; T11 Rev. C ; T12 Rev. C ; T13 Rev. C ; T1R Rev. C ;  
M10 Rev. B ; M11 Rev. B ; M1R Rev. A ; 030 Rev. A ; 031 Rev. B ; 032 Rev. A ;  
033 ; 051 Rev. B ; 053 Rev. A

Proposed Drawings:  
T2B Rev. C ; T20 Rev. D ; T21 Rev. D ; T22 Rev. D ; T23 Rev. D ; T2R Rev. E ;  
M2B Rev. C ; M20 Rev. C ; M21 Rev. D ; M22 Rev. D ; M2R Rev. D ; 040 Rev. A ;  
041 Rev. C ; 042 Rev. D ; 043 Rev. A ; 061 Rev. D ; 063 Rev. D

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

**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 Harley Street 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 apply to us for approval of detailed drawings (at scale 1:20 and 1:5), or other items as

listed, of the following parts of the development:

- i. All new doors and windows,
- ii. Reuse of garden room sink,
- iii. All new fireplaces (photographs or drawings at 1:5),
- iv. New glazed roof to ground floor reading room,
- v. New service runs,
- vi. New dormers (construction and materials), and
- vii. New stair to mews building.

You must not start any work on these parts of the development until we have approved what you have sent us.

The new fireplaces and surrounds hereby approved shall be installed in their entirety prior to the use of 5 Wimpole Street and 24 Wigmore Place as a dwellinghouse.

You must then carry out the work according to these 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 Harley Street 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 retain the floorboards throughout. Where these are lifted, they must be numbered, photographed and replaced.

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)

- 5 The new mansard must be covered in natural blue/grey slate.

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 Harley Street 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)

- 6 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 Harley Street 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, 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.

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.