

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 January 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	26 Charles Street, London, W1J 5DT		
Proposal	Amalgamation of two flats into a single dwellinghouse (Class C3).		
Agent	N/A		
On behalf of	Mr. Barker		
Registered Number	19/08346/FULL	Date amended/ completed	25 November 2019
Date Application Received	28 October 2019		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

Refuse permission - loss of a residential unit.

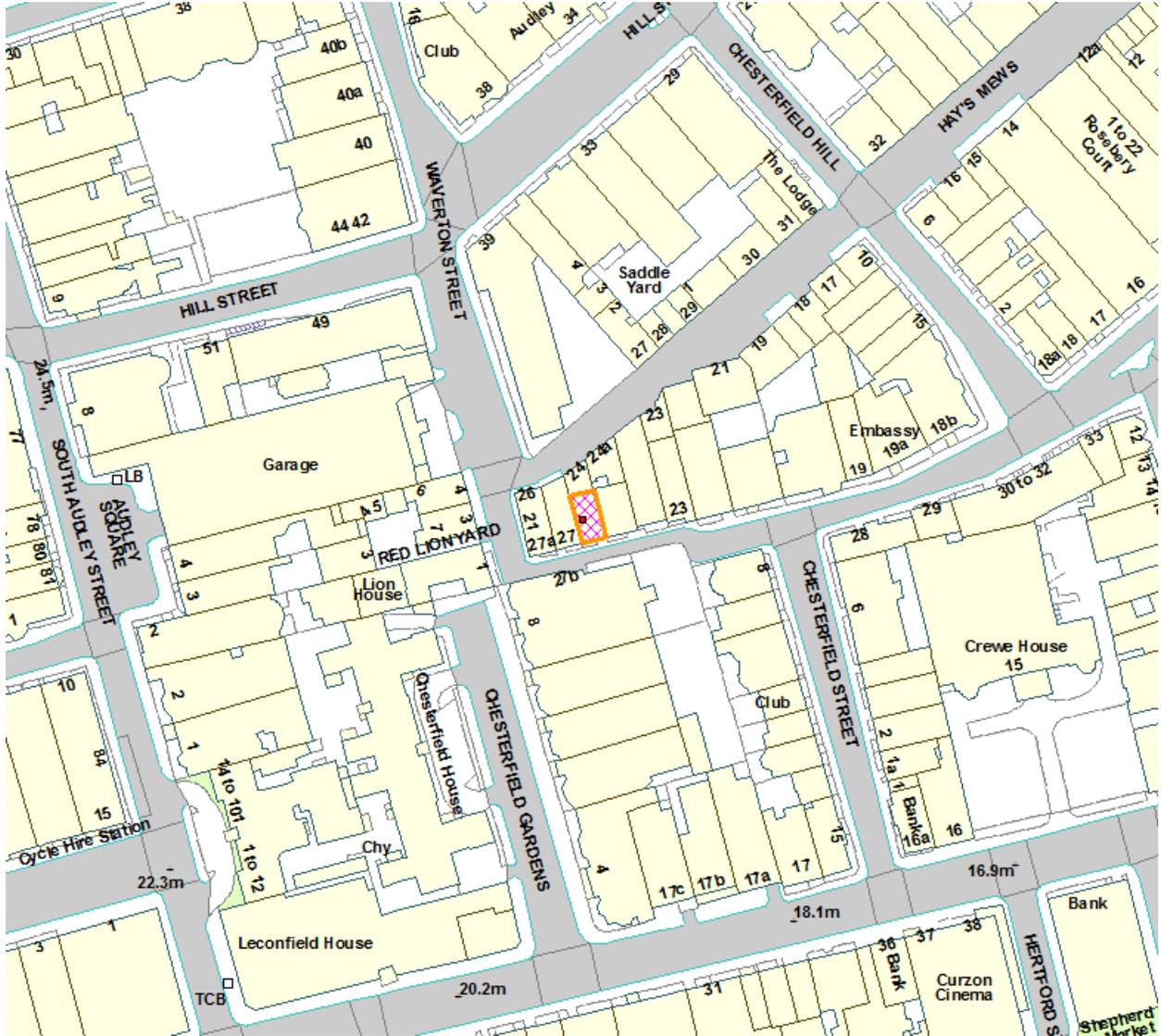
2. SUMMARY

The application site comprises a Grade II listed building located within the Mayfair Conservation Area.

The application proposes the amalgamation of the basement to second floor flat with the third and fourth floor flat to create a single family dwellinghouse (Class C3) measuring approximately 293 sq.m (GIA). The loss of a residential unit is contrary to Policy MRU2.3 of the Mayfair Neighbourhood Plan (adopted December 2019) that states, '*Net loss of residential units in Mayfair should be resisted*'. The applicant's change in housing requirements is not considered to warrant a clear departure from policy.

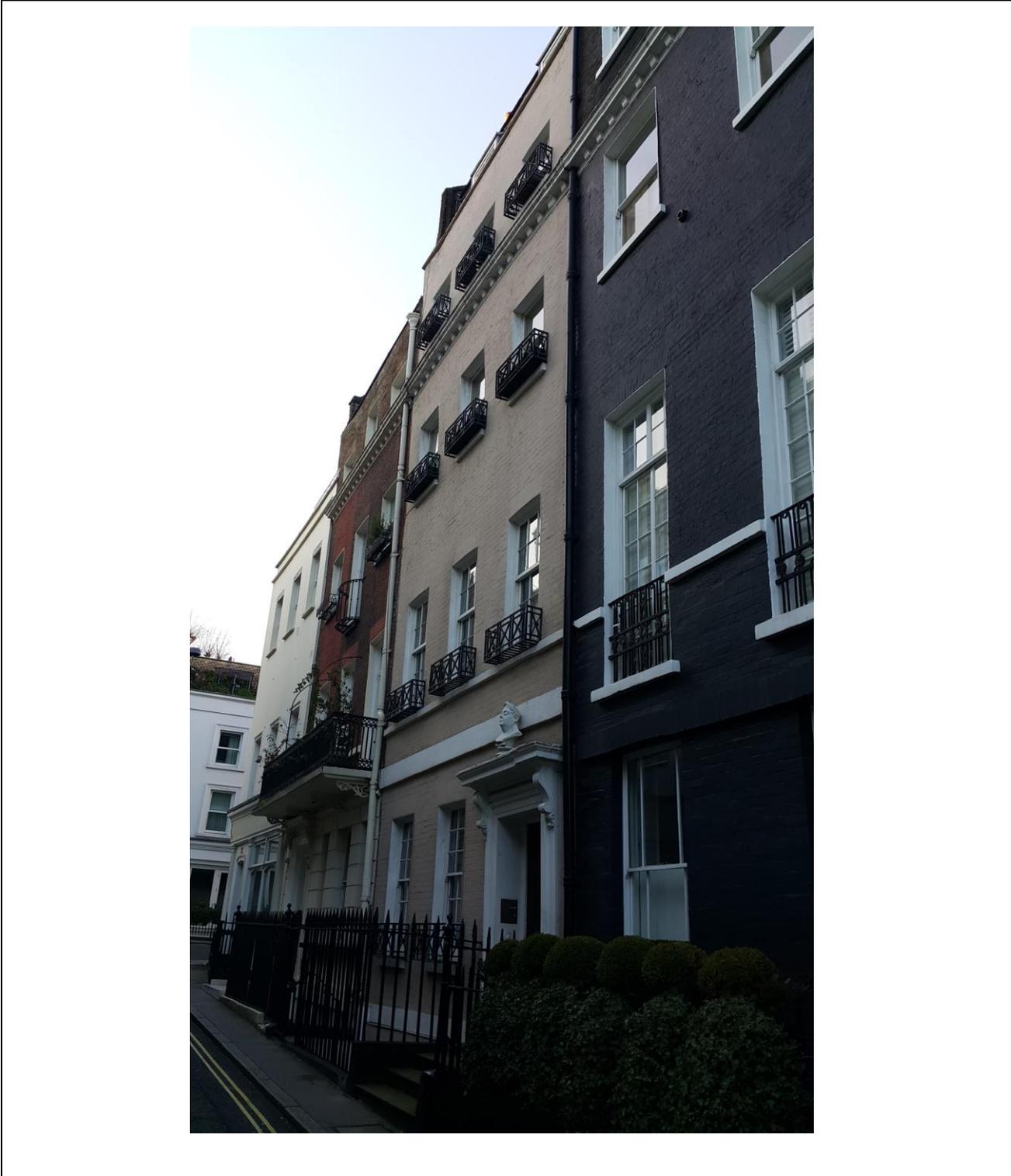
The application is accordingly recommended for refusal on the ground that it would result in a loss of a residential unit.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MAYFAIR RESIDENTS GROUP:

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

Any response to be reported verbally.

WASTE PROJECT OFFICER:

No objection subject to a condition securing storage for waste and recyclable material.

HIGHWAYS PLANNING:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 13

Total No. of replies: 1

No. of objections: 0

No. in support: 1. No objection from the Mayfair Neighbourhood Forum on the ground that the intent of Policy MRU2.3 of the Mayfair Neighbourhood Plan is to prevent residential units being lost through a change of usage to another category, for example, offices. The policy was not intended to prevent the amalgamation of existing residential units, with the Mayfair Neighbourhood Plan being silent on this point in order not to repeat pre-existing policies.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises a Grade II listed former dwellinghouse dating from c.1753. It is located within the Mayfair Conservation Area. The lower ground to second floors are in use as a four-bedroom flat measuring approximately 157 sq.m (GIA) (excluding the pavement vaults). This flat has access to a rear basement courtyard and a rear first floor terrace. The third and fourth floors are in use as a two-bedroom flat measuring approximately 90 sq.m (GIA). The shared hallway and main staircase are excluded from these floorspace figures.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

The application proposes to amalgamate the two flats into a single family dwellinghouse. No physical works are proposed and therefore no application for listed building consent has been submitted.

8. DETAILED CONSIDERATIONS

The development plan for the assessment of the application comprises the London Plan (adopted March 2016), the City Plan (adopted November 2016) and the Mayfair Neighbourhood Plan (adopted December 2019¹). The application is required to be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act (2004)).

8.1 Land Use

The amalgamation of the two flats into a single dwellinghouse will result in the loss of one dwelling.

City Plan Policy S14 states that proposal that would result in a reduction in the number of residential units will not be acceptable, subject to three exceptions. One is applicable in this instance – where a converted house is being returned to a family-sized dwelling or dwellings. It is accepted that the site was originally constructed as a single family dwellinghouse and that reverting the building to this use is in full compliance with City Plan Policy S14.

Policy MRU2.3 of the Mayfair Neighbourhood Plan, however, states, '*Net loss of residential units in Mayfair should be resisted*'. The reasoned justification for this policy states, '*... the Forum's focus is to ensure that existing residential use in Mayfair remains recognised, encouraged and protected, supporting its status as an important residential neighbourhood within the Core CAZ [Central Activities Zone]*' (Para. 4.2.13). In her report following the examination of the draft Mayfair Plan, the Inspector states, '*I am satisfied that MRU2.3, aiming to resist the net loss of residential units, is in general conformity with Policy S14 [of the City Plan]*' (Para. 4.26).

The Mayfair Neighbourhood Forum, however, has written stating that it does not object to the application, arguing that the intent of this policy is to prevent residential units being lost through a change of use to another use class (offices, for example) and it was not intended that the policy would prevent the amalgamation of existing residential units. This intent, however, is not reflected in the policy wording. The application is required to be determined against the actual policy wording and there is no doubt that the proposal is contrary to Policy MRU2.3 as it results in a net loss of one residential unit.

There is therefore a conflict between City Plan Policy S14 and Policy MRU2.3 of the Mayfair Neighbourhood Plan. Both are policies within the adopted development plan, yet the proposed development is in accordance with one but not the other. Where this is the case, Section 38(5) of the Planning and Compulsory Purchase Act (2004) requires that such a conflict be resolved in favour of the policy which is contained in the last document to become part of the development plan. The Mayfair Neighbourhood Plan is the most recently adopted document, having been adopted in December 2019. Policy MRU2.3 of the Mayfair Neighbourhood Plan therefore must take precedence and the proposal is

¹ The Cabinet Member formally 'made' the Mayfair Neighbourhood Plan on 24 December 2019. However, the Mayfair Neighbourhood Plan came into force as part of the development plan once it had been approved at the referendums that took place on 31 October 2019.

therefore contrary to the most recently adopted relevant policy with the development plan.

The applicant currently lives within the four-bedroom flat over basement to second floor levels and has argued that a change in his personal circumstances means that he requires the additional space that the amalgamation of the two flats would facilitate. Changes in personal circumstances resulting in an altered housing need are not unusual. Indeed, they are routine. It is not considered that the applicant's changing housing requirements justifies the clear conflict with Policy MRU2.3 of the recently adopted Mayfair Neighbourhood Plan. The flats are both of good quality and will continue to provide much-needed housing in this part of Mayfair.

Finally, no physical works are proposed as part of this application. As such, whilst the proposal would revert this listed building back to its original use as a single family dwellinghouse, no benefits to the listed building are proposed that could act as material considerations to weigh against the above policy conflict.

For these reasons, it is concluded that the proposal is in clear conflict with the most recently adopted relevant policy with the development plan. There are no material considerations that outweigh this policy conflict. It is accordingly recommended that permission be refused on this ground.

8.2 Townscape and Design

No physical works are proposed and therefore there will be no impact upon the character and appearance of the Mayfair Conservation Area or to the special interest of the listed building.

8.3 Residential Amenity

The application raises no concerns in respect to residential amenity.

8.4 Transportation/Parking

Given that there is a net loss of one residential unit, the proposal raises no transportation or parking concerns.

8.5 Economic Considerations

Given its residential use, it is unlikely that the proposal will generate any material economic considerations.

8.6 Access

Access arrangements will remain unchanged. The building does not benefit from level access, with steps rising from street level.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 19 June 2019 and 31 July 2019. Following Full Council's approval, the council submitted all documents to the Secretary of State for independent examination on 19 November 2019. Given that there are still unresolved objections to a number of policies and that the Examination in Public has not been completed, having regard to the tests set out in para. 48 of the NPPF, the draft City Plan will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendums on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. The City Council formally 'made' (adopted) the Mayfair Neighbourhood Plan on 24 December 2019. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

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.

No increase in floorspace is proposed and therefore the development is not CIL-liable.

8.13 Environmental Impact Assessment

The proposal does not require the submission of an Environmental Impact Assessment.

8.14 Other Issues

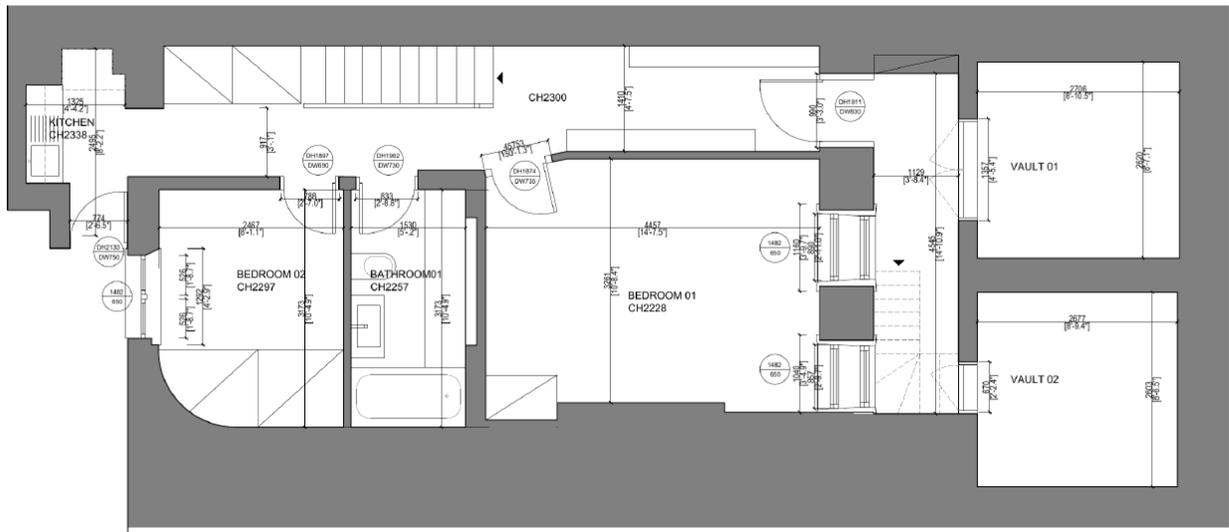
Had the application been considered acceptable, a condition would have secured storage for waste and recyclable material.

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

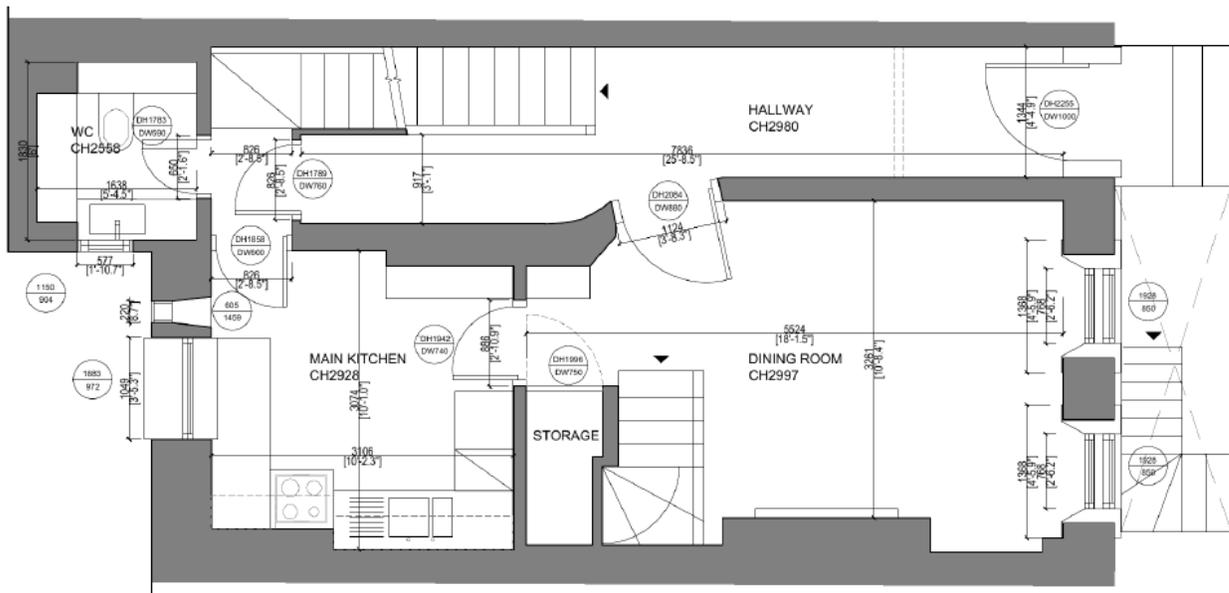
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS

Existing and proposed basement floorplan



Existing and proposed ground floorplan



DRAFT DECISION LETTER

Address: 26 Charles Street, London, W1J 5DT

Proposal: Amalgamation of two flats into a single dwellinghouse (Class C3).

Reference: 19/08346/FULL

Plan Nos: PL-PR-01, PL-PR-02, PL-PR-03, PL-PR-04, PL-PR-05 and PL-PR-06.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

Reason:

- 1 Your development would lead to a reduction in the number of residential units which would not meet Policy MRU2.3 of the Mayfair Neighbourhood Plan (adopted December 2019). We do not consider that the circumstances of your case justify an exception to our policy. (X04BB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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.