

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 October 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	26 Sutherland Place, London, W2 5BZ		
Proposal	Removal of existing brick block pier and brick wall at the front boundary of the property, including new low level brick wall with natural stone coping and Installation of new metal railings and gate with fleur-de-lys finials.		
Agent			
On behalf of	Guthrie McKie		
Registered Number	21/04833/FULL and 21/04834/LBC	Date amended/ completed	28 July 2021
Date Application Received	15 July 2021		
Historic Building Grade	Grade II listed building		
Conservation Area	Westbourne		

1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.

2. SUMMARY

These applications relate to the front boundary of no.26 Sutherland Place, a mid-terraced, mid 19th century house within the Westbourne Conservation Area. The house is a Grade II listed building as part of the terrace, 17-31 Sutherland Place. The walls which form the front boundaries to the houses on this row are a mixture of modern and historic, but would be considered to form part of 'the listed building' by virtue of falling within the curtilage of, or being physically attached to, the listed houses.

The applications seek planning permission and listed building consent to remove what remains of former modern boundary treatments to the front boundary of the property, and to build a new masonry stub wall, surmounted by new cast steel railings and a pedestrian gate.

These application proposals have been coordinated with and are identical to the concurrent applications of the same description for 27 Sutherland Place, which is the next item on the agenda

for this Committee. The applicant for these applications for no.26 is a Councillor and therefore both sets of applications are reported to committee in accordance with the Council's rules on Members' own applications.

The main issues for the consideration of these applications are:

1. The preservation of the special architectural or historic significance of the listed buildings;
2. The preservation or enhancement of the character / appearance of the Westbourne Conservation Area;
3. The impact of the proposals on trees within a conservation area.

It is considered that the applications are acceptable in listed building, design and arboricultural terms and as such it is recommended that conditional planning permission and listed building consent be granted.

3. LOCATION PLAN

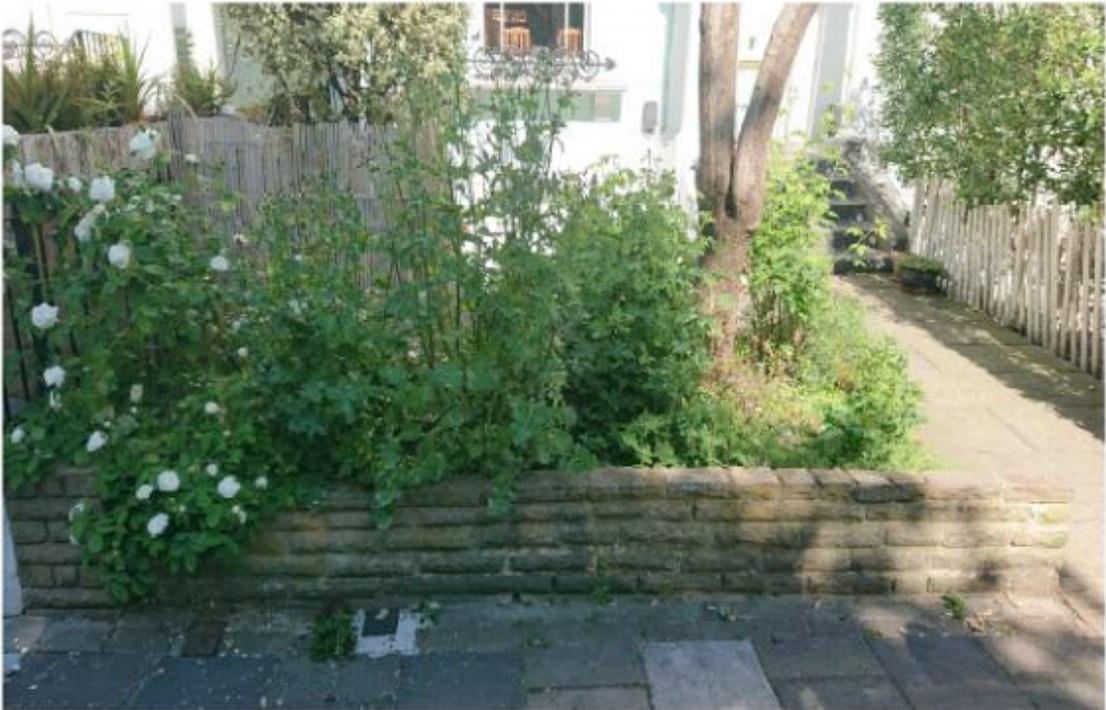


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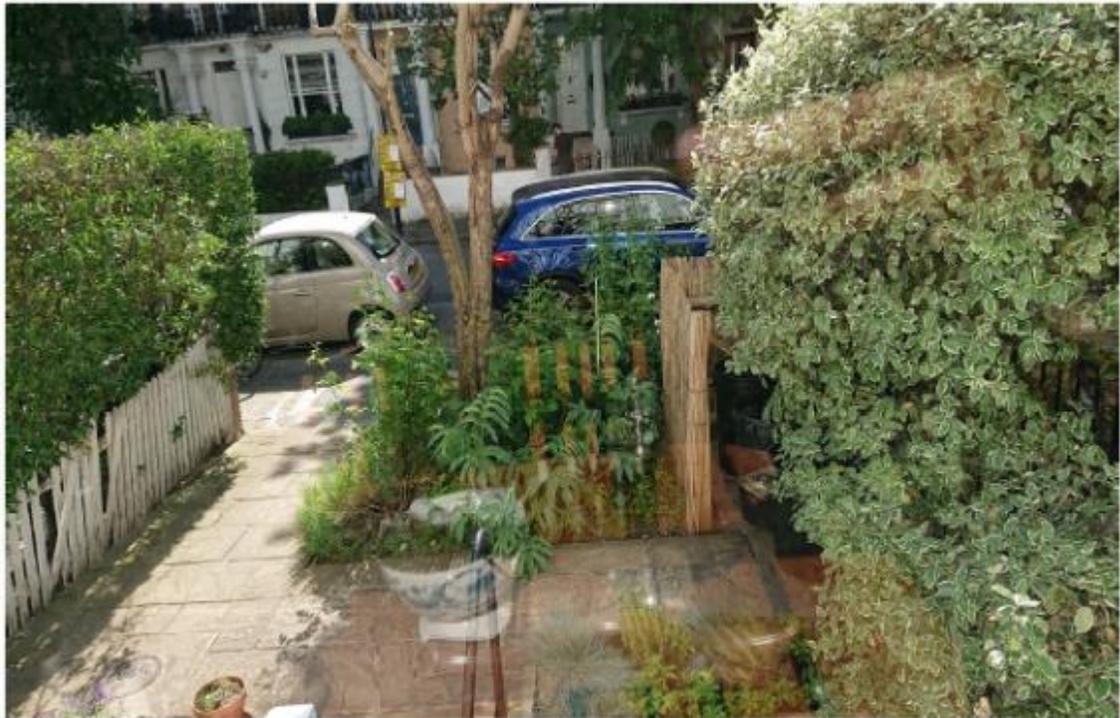
4. PHOTOGRAPHS



No.26 is the pale blue house to the left of the picture with a pollarded tree and low shrubs to the front garden, and a low concrete block wall to the front boundary. No.27 is the pale grey house to the right, with a range of shrubs in the garden, no existing front boundary treatment, and a stone pathway.



Front boundary of no.26



Front garden area of no.26

5. CONSULTATIONS

WESTBOURNE NEIGHBOURHOOD ASSOCIATION:
Any response to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM: No objection:
"One of our key goals (NHENF Guidelines p1) is "To maintain / restore the architectural heritage detail on the fronts of our buildings. We very much appreciate that the applicant has studied the other facades in the street and in the design and access statement says: "In order to make a restoration which is in keeping with the best practice of our neighbours in the road and to respect the historic context of the terrace, we have looked at the front boundaries of the houses in the road, both those in our listed terrace and lower down on our side of the road, and the houses on the western side of the road. In particular following the railings design at no 28 and the setting at No 20."

TREE OFFICER
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 12
Total No. of replies: 0.

1 Objection received on neighbouring (identical) application for no.27 on the following grounds:

Design

- Railing design does not exactly match the original design of front boundaries on this road.

PRESS ADVERTISEMENT / SITE NOTICE:
Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application lies in the Westbourne Conservation Area and is a Grade II listed building by virtue of forming a part of the listed terrace, 17-31 Sutherland Place.

The terrace was built between 1850 and 1853 and consists of fifteen three-storey (plus basement and attics) stucco-fronted houses. Each property has a deep front garden which have been variously altered over the generations in terms of layout (some featuring driveways), planting and most notably boundary treatments. Vaults are contained beneath the front gardens.

The application property itself features an original lightwell against the house, a narrow modern stone pathway to the front entrance, a small planted area containing a range of low planting and two small pollarded Olive trees. The front boundary is enclosed only by a modern concrete block wall. The front path is divided from no.27 (to the south) by a low white-painted timber picket fence and a range of low level shrubs. The side

boundary to no.25 (to the north) is marked by a low modern metal railing, beyond which (within the boundary of no.25) is a modern brick planter.

6.2 Recent Relevant History

No.27 Sutherland Place

21/04659/FULL and 21/04660/LBC – a concurrent application submitted to coordinate with this application for:

- Removal of brick pier, brick wall, and low level plinth at the front boundary of the property; and erection of low level brick wall with natural stone coping and installation of metal railings and gate.

7. THE PROPOSAL

It is proposed to remove the existing concrete block walls or remains of former stub walls from the front boundaries of both nos. 26 and 27, and replace them with a new low masonry stub wall, surmounted by new cast steel railings and matching pedestrian gates. These have been designed to match others on the same road, namely those to no.28.

The side boundary between the two sites would remain the same other than through the removal of the existing low modern picket fence, leaving just the low hedge which is otherwise the main boundary treatment between the two application properties. The rest of the front gardens of both properties would remain unchanged. The side boundaries of no.26 with no.25, and of no.27 with no.28, would also remain unchanged.

During the course of the application the detailed design of the new railings has been slightly revised to improve its faithfulness to typical historic railings of this period, namely to set the base of the metal railings directly into the top of the stone wall coping.

8. DETAILED CONSIDERATIONS

8.1 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Policies 38 (Design principles), 39 (Heritage), and 40 (Townscape and architecture) are relevant to the consideration of this application, and provide the basis for interpreting the above-mentioned legislation, and the guidance given by the government in the NPPF in terms of the balance between harm and public benefits.

Chapters 12 and 16 of the NPPF require that great weight be placed on design quality and the preservation of designated heritage assets. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The existing wall remnants on both application sites are of no architectural or historic significance. Whilst their age can not be certain, it is not expected that they are historic and indeed some sections, particularly the concrete block section of walling to no.26, are evidently modern and architecturally discordant. Even if some of what remains is of some age or even original, it is in such a poor condition that it holds no architectural or historic value, and in fact detracts from the character of the street and from the setting of the principal listed buildings.

It is accepted, including by the single objector (received in relation to the applications for no.27 only), that these front boundaries would have been enclosed historically by a stub wall surmounted by cast iron railings, with a narrow pedestrian gate to the right hand side of each boundary. The principle of reinstating such railings therefore is very welcome, and would help to repair the street and to better define the enclosure of each property.

Whilst the objector has raised potentially valid points about the fine detail of the original railings on this street, based as their comments are on evidence of evidently older railing remains which they have collected over the last three decades, the detail proposed by this application is nevertheless considered to be a good example of the typical railings seen fronting housing of this type around the mid 19th century. It is also based on a directly neighbouring site which has itself already successfully repaired the boundary with railings of the same design. Continuing this design to these two further properties would give a continuous run of three frontages in a row which have had their front railings ‘reinstated’, which is a substantial enhancement to the conservation area, and to the setting of the listed terrace.

It is important also to remember that, whilst historical authenticity is very important, and further refinements to the detail would have been welcome, the proposals are undoubtedly an enhancement on the existing situation to each property, of poorly enclosed frontages with low quality remnants of former boundary walls.

Taking these points into account, it is considered that the proposals would preserve and

enhance the setting of the listed buildings, and the character and appearance of the Westbourne Conservation Area.

For the above reasons the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan; and therefore, a recommendation to grant conditional permission and listed building consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.2 Residential Amenity

The proposals raise no amenity issues.

8.3 Transportation/Parking

The proposals would involve works to the boundary of each property with the public footway, but not directly to the public highway. Informatives advising the applicants of their responsibilities with regards to the Highways Act are recommended to be included on the decision notice.

8.4 Access

The proposals raise no accessibility issues.

8.5 Trees

The arboricultural officer raise no objections to the proposals subject to conditions.

8.6 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.7 Neighbourhood Plans

There is currently no Neighbourhood Plan for this area.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 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.

8.10 Planning Obligations

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

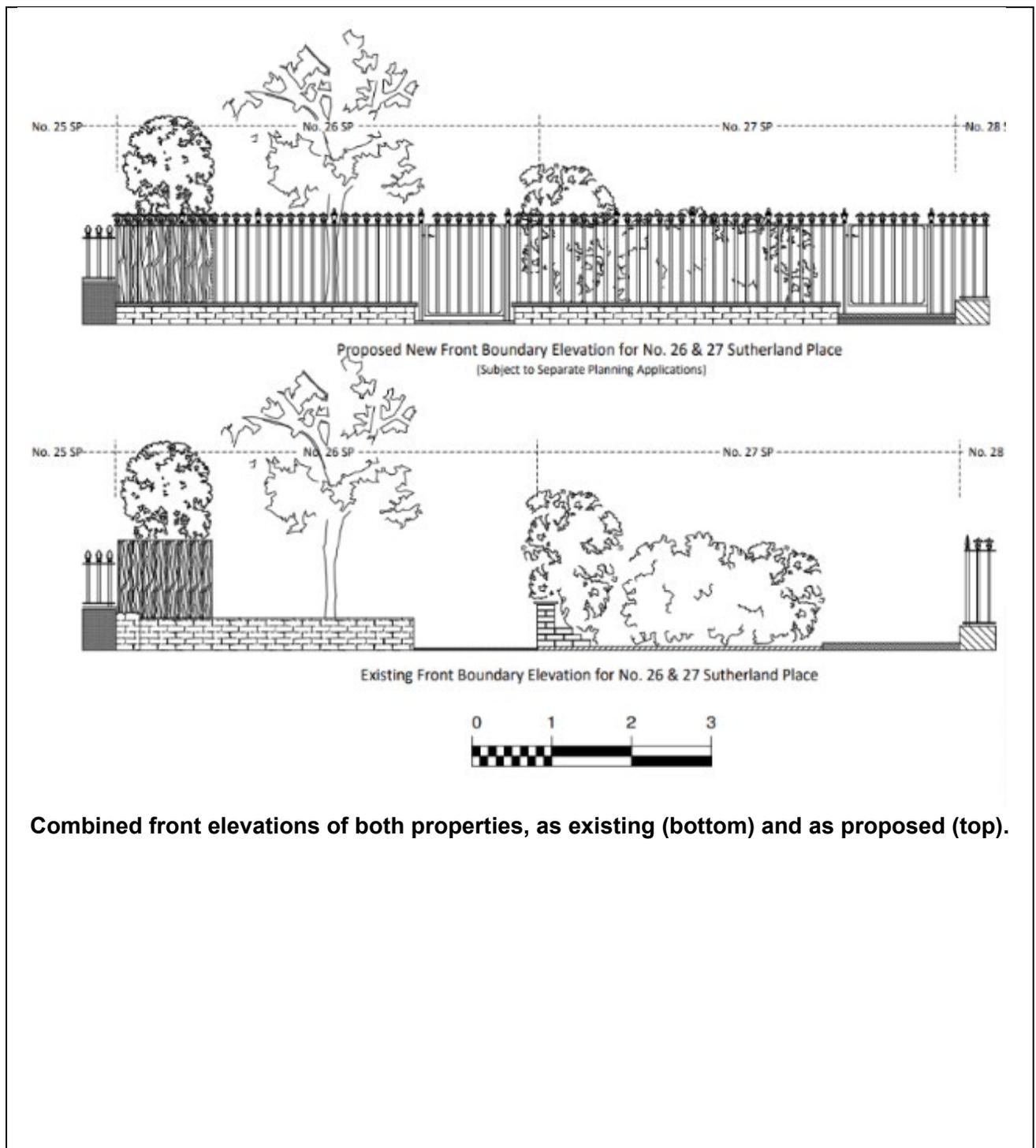
8.11 Environmental Impact Assessment

The application does not relate to EIA development.

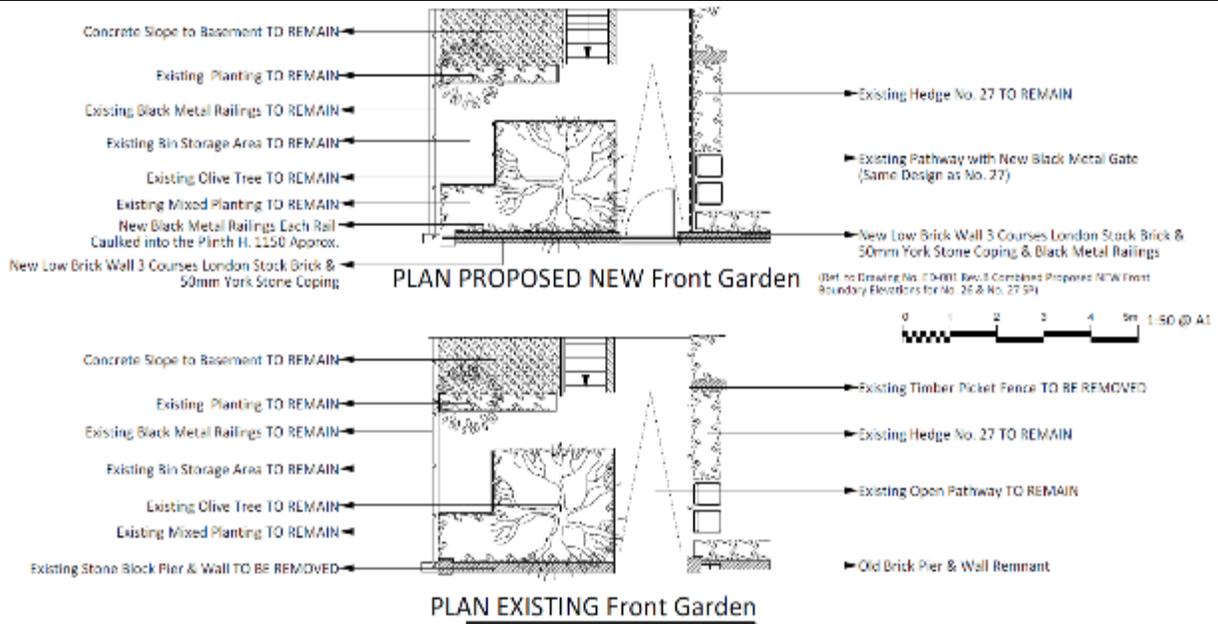
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

9. KEY DRAWINGS



Combined front elevations of both properties, as existing (bottom) and as proposed (top).



Existing and proposed plans of front garden of No.26

Reference Photos No. 20 & No. 28 Sutherland Place Front Boundary



Low Wall & Coping at No. 20 SP with Existing Railings



Proposed Fleur de Lys Finial Design as per No. 28 SP

Reference images of existing railings to neighbouring properties to be copied

DRAFT DECISION LETTER

Address: 26 Sutherland Place, London, W2 5BZ,

Proposal: Removal of existing brick block pier and brick wall at the front boundary of the property, including new low level brick wall with natural stone coping and Installation of new metal railings and gate with fleur-de-lys finials. (Linked to 21/04834/LBC)

Plan Nos: TQRQM21153172149367; TQRQM21153172351663; LP-001 Rev.B; ED-001 Rev.B.

Case Officer: Andrew Barber

Direct Tel. No. 07866037397

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 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 Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 3 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 You must apply to us for approval of further information (as set out below) about the following parts of the development:
- (a). Detailed sections and elevations of the new railing, walls, piers and gate at 1:10.
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 approved details. (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 Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 5 You must carry out any digging for the footings of new low brick wall close to the Olive tree which is to be kept as shown on plan LP-001 using hand-held tools. If you come across any roots of 25 millimetres or more in diameter, you must carefully protect them from being exposed and drying out and you must modify the foundations in order to retain the roots without damaging them. You must cut any damaged or severed roots or any roots below 25mm (which are to be removed) with a sharp cutting tool so that the final wound is as small as possible.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 **HIGHWAYS LICENSING:**
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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 or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 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 email AskHighways@westminster.gov.uk. 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).

- 4 Roots with a diameter of 25mm diameter and above can be retained within foundations through methods such as lintels, or gaps between footings, or mini piles.

DRAFT DECISION LETTER

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Reference: 21/04834/LBC

Plan Nos: TQRQM21153172149367; TQRQM21153172351663; LP-001 Rev.B; ED-001 Rev.B.

Case Officer: Andrew Barber

Direct Tel. No. 07866 037397

Recommended Condition(s) and Reason(s)

- 1 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 Westbourne Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 2 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 Westbourne Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of further information (as set out below) about the following parts of the work: (a). Detailed sections and elevations of the new railing, walls, piers and gate at 1:10., You must not start any work on these parts of the work until we have approved what you have sent us. You must then carry out the work according to these approved details. (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 Westbourne Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (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 (March 2021), the City Plan (April 2021), 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:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work to the listed building which is not referred to in the plans and documents which are listed in this decision notice. 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)
- 3 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.

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.