

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 26 November 2024	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>47 Rupert Street, London, W1D 7PE</b>		
<b>Proposal</b>	Variation of conditions 1 and 3 of the permission dated 30 October 2019 (19/07041/FULL), which itself varies the permissions dated 14 August 2018 (17/10714/FULL) and 29 May 2019 (19/02341/FULL) for the 'Demolition of existing roof structures (excluding chimneys), erection of new mansard roof and associated works in connection the use of the 5th and new 6th floors as 1 x studio; 3 x 1 bed and 1 x 2 bed residential units (providing one additional unit) (Class C3)' (Retrospective application) (Site includes 51-53 Rupert Street)'; NAMELY to enable the retention of the 6th floor rear gantry and the gantry access door at the rear of 47 Rupert Street (as an additional means of escape) and to extend the timescale for the creation of the internal corridor to the new sixth floor flat at 49/51 Rupert Street (s73 Application)		
<b>Agent</b>	Mr Marcus Clarke		
<b>On behalf of</b>	Mr Scott Levy		
<b>Registered Number</b>	22/07013/FULL	<b>Date amended/ completed</b>	1 February 2023
<b>Date Application Received</b>	18 October 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		
<b>Neighbourhood Plan</b>	Soho Neighbourhood Plan		

## 1. RECOMMENDATION

Refuse permission – adverse impact upon the appearance of the building and the character and appearance of the Soho conservation area.

## 2. SUMMARY & KEY CONSIDERATIONS

A series of permissions have been granted for the erection of a sixth-floor roof extension to this terrace of buildings to provide additional accommodation to four flats including, in August 2018, retrospective permission for the retention of the unauthorised roof form and the creation of an additional (fifth) flat. This permission included amending conditions requiring the creation of an internal protected fire corridor so that an unauthorised external rear fire escape gantry at sixth floor level could be removed and also the removal of a gantry access door and a tubular railing to the front parapet.

Further permissions were subsequently granted for minor changes to the internal layout, so that the approved layout matched that within the fire report and to extend the deadline for the completion of remedial works. The last of these permissions required the aforementioned works to be completed by 14 December 2019. Of these required works, so far only the front parapet railing has been removed (October 2021), and the applicant is now seeking permission for the retention of the rear gantry and access door so that this can provide an additional means of escape, and also for an extension of time to undertake the works to provide the internal fire corridor.

The key issues in this case are:

- The impact of the proposals upon the appearance of the building and the character and appearance of this part of the conservation area
- Any requirement for the retention of the gantry in fire safety terms and the impact of its removal upon the amenity of the existing flats.

Letters of support have been received from owners of a flat within the development. They consider the retention of the gantry to be acceptable in townscape terms as there are other rear fire escape stairs/gantries on the lower floors of the application building and on neighbouring buildings within the street block. They also believe that the provision of an external escape route should be accepted as an additional safety facility even though it is not essential if the internal fire route is implemented in accordance with the extant permission.

The Council's previous decision requiring the gantry to be removed was because it is unsightly and creates unnecessary additional clutter at the rear to the detriment of the building's appearance and that of the wider conservation area. This structure continues to be unacceptable in townscape terms and given that it is unnecessary for fire safety purposes (when the internal fire escape is provided), the application is recommended for refusal for design reasons. In the proposals the applicant does not provide a suggested timescale for the completion of the internal escape corridor, but there would be no objection to a reasonable extension of time to complete this work.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## **5. CONSULTATIONS**

### **5.1 Application Consultations**

SOHO SOCIETY

No response to date

HEALTH AND SAFETY EXECUTIVE

No objection to the retention of the external fire escape, but it is not necessary to provide this if the internal fire corridor is provided.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 100

Total No. of replies: 2

No. of objections: 0

No. in support: 2

PRESS NOTICE/ SITE NOTICE:

Yes

### **5.2 Applicant's Pre-Application Community Engagement**

This application involves the retention of works which have already been largely undertaken and there has therefore been no additional community engagement.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London 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) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **6.2 City Plan Partial Review**

The Council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation continues until 25 April 2024. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations. An emerging local plan is not included within the definition of "development



plan” within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to: • the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); • the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and • the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

### **6.3 Neighbourhood Planning**

The Soho Neighbourhood Plan includes policies on a range of matters including housing, residential amenity, air quality and climate change, traffic and servicing, green infrastructure, pedestrians and cycling and waste and recycling.

It has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on 8 October 2021. It therefore forms part of the development plan for Westminster for development within the Soho neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. 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 later in this report.

### **6.4 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

The application site is an unlisted building located on the west side of Rupert Street between its junctions with Archer Street and Brewer Street. The site comprises commercial units on the lower floors with flats above. It is located within the Soho Conservation Area and the Central Activities Zone.

The building backs onto a small communal garden area (Archer Street Gardens). The nearest residential properties are to the south-west of the site at 9 Archer Street, to the north at 55 Rupert Street, and on the upper floors of 50 and 52 Rupert Street, opposite

the building. Other residential properties also overlook the rear of the site, including St James's Residences in Brewer Street.

The original building terminated in a mainly flat roof set behind a sloping roof at the front. Two staircase enclosures provided access to the roof via the stair cores at 49 and 53 Rupert Street. Two 2m high storage sheds containing water tanks were set inside this rear parapet and railing. The rear parapet rose 1m above the flat roof level with a 0.8m high railing above. There is an existing, historic, fire escape stair running down the rear of the building.

## 7.2 Recent Relevant History

26 January 2015: Permission granted for the demolition of the existing roof structure, the erection of a mansard roof extension and a raised flank wall to provide additional accommodation to the four existing fifth floor flats at 47 - 53 Rupert Street. (14/11694/FULL). These proposals increased the size of the four flats, with bedrooms relocated to a new mezzanine level within the extended roof space.

The approved plans showed an internal escape corridor running to the rear of the new mezzanine floor between 49 and 51 Rupert Street to provide a reciprocal means of escape linking the common staircases in both of these buildings.

However, the development was not carried out in accordance with the approved drawings. An additional (fifth) flat was created without permission. The scheme 'as built' increased the overall roof height, and the brick parapet and sloping roof to the rear were replaced by an additional mansard structure, resulting in an overall increase in height and bulk. The rear roof was clad in artificial slates, incorporating new windows/rooflights. New doors at the rear of nos. 47 and 51 provided access onto an unauthorised cantilevered gantry, which was designed as a secondary access to both of the two main stair cores from the new sixth floor accommodation. To the rear of 53 Rupert Street, this gantry was enlarged to house a storage shed containing two water tanks which had been relocated from the original roof. A new/replacement tubular railing was also installed along the front building parapet.

The applicant sought retrospective permission for the scheme 'as built' and during the course of the consideration of this application the plans were amended to delete the greater part of the rear gantry, other than where it housed the water tank shed, and to delete the gantry access door at the rear of 47 Rupert Street. The deletion of the gantry necessitated some internal re-planning, and the scheme was revised to include an internal corridor at the rear of the new/additional sixth floor flat to provide a protected escape route leading from the bedroom to the northern stair core. This plan also showed a door leading from the bedroom to the southern stair core. Letters from the applicant's Approved Building Inspector and the London Fire Service confirmed that this proposed arrangement would provide a satisfactory means of escape. (At that time the Health and Safety Executive was not a statutory consultee on fire safety and advice from them was not sought).

This retrospective planning permission was granted on 14 August 2018 (17/10714/FULL), subject to crucial amending conditions, particularly Condition 4 which required various remedial works to be undertaken by 14 April 2019 - namely the total removal of the railing



to the front fifth floor parapet, the partial removal of the rear gantry at sixth floor level, the removal of gantry access door at the rear of 47 Rupert Street, the making good of the roof and the creation of an internal corridor to the rear of the new sixth floor flat.

Permission was granted on 29 May 2019 (19/02341/FULL) for the variation of the above permission to allow the removal of the internal fire escape door leading from the bedroom to the sixth floor flat to the southern stair core and to extend the deadline for the completion of the works until 14 September 2019. The applicant stated that the extension of time for the completion of the works was necessary as the works could not commence without freeholder approval. They also stated that the freeholder would not grant a licence to carry out the approved works because the revised plan showed the door leading from the bedroom to the sixth floor flat to the southern stair core, but the submitted fire safety report did not. Further permission was granted on 30 October 2019 (19/07041/FULL) to vary condition 4 to further extend the deadline for the completion of works until 14 December 2019. This new deadline was not achieved and was followed by the COVID 19 pandemic.

Following the pandemic, on 6 April 2021 an application was submitted for variations to allow the retention of the rear sixth floor gantry to provide both means of escape and an amenity space for the two flats at 6th floor and the associated provision of a privacy screen at the party wall junction. The layout plans were amended during the course of the application to correct discrepancies regarding the number of flats, but also showed an additional escape access from the sixth floor flat leading to the southern stair core – a layout which did not correspond with the approved layout. Consequently, the application was withdrawn in October 2021 for the applicant to re-survey the building and correct the documents/drawings.

At a site visit on 29 September 2021, it was apparent that a part of the front parapet railing had been removed. Photographs supplied by the applicants on 30 November 2021 showed that the entire railing had been removed.

There is an outstanding enforcement case regarding the original unauthorised development. This case has been held in abeyance pending compliance with the requirements of subsequent planning permissions and the determination of the current application.

## **8. THE PROPOSAL**

This application involves the variation of the permission dated 30 October 2019 to enable the retention of the entire sixth-floor gantry and the gantry access door at the rear of 47 Rupert Street, and to extend the time period for the completion of the internal fire corridor to the sixth floor flat (but to a timescale yet to be specified)

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

#### **Residential use**

Those supporting the proposals consider that the retention of the rear gantry would accord

with policy 12 of the City Plan by enhancing the quality of the fifth/sixth floor units through the provision of an additional means of escape. They note the supporting text (paragraphs 12.1, 12.3 and 12.5) which recognises the impact of housing on the health, well-being and safety of individuals and requires new housing to be designed to the highest quality and for applicants to address potential hazards.

The issue of fire safety is discussed elsewhere within this report, where it is explained that the external gantry escape is not necessary if the internal fire corridor, required to be provided by the previous planning permissions, is installed.

## 9.2 Environment & Sustainability

One respondent has written in support of the scheme on the grounds that the that it complies with Paragraph 153 of the National Planning Policy Framework (NPPF), which requires development plans to take a proactive approach to mitigating and adapting to the challenges of climate change, and Paragraph 160, which requires the development of strategic policies to manage flood risk from all sources, on the basis that the retention of the gantry would mitigate the potential risk from fires in dry summers and increased flood risks.

They also consider that the removal of the gantry would generate 'unnecessary' carbon emissions and have an adverse impact in air quality as a result pollution and congestion from construction vehicles, and demolition/construction works.

While supporters' concerns and comments regarding the sustainability, local air quality and the response to the risks of climate change are noted, it is not considered that the removal of the rear gantry and access door, and associated construction vehicles, would have a material impact in this regard, (the response to fire risk is explored in more detail later in this report) or that these matters would override other considerations relating to the retention of the unauthorised structures/alterations. Additionally, the application also proposes an extension of time for the completion of the internal fire escape corridor which would, in itself require access to the site by construction vehicles and the use of some additional building materials.

## 9.3 Biodiversity & Greening

Policy 34 of the City Plan requires developments to, wherever possible, contribute to the greening of the borough and to maximise opportunities for the creation of new habitats for priority species. However, the current proposals do not introduce any opportunity for increasing the sites contribution to the biodiversity of the area when compared with the approved scheme.

Supporters of the scheme have cited NPPF guidance which requires planning policies and decisions to minimise the impact on, and provide net gains for biodiversity, including by establishing ecological networks, noting that some (unspecified) creatures have "made their homes on or frequented the gantry and courtyard over the years and gantry retention would be much less disruptive to their habitats than works with the related waste, emissions etc'.

The courtyard garden at the rear of the site is likely to be of some benefit in relation to biodiversity and attracting wildlife but this courtyard is not part of the application site, and it is considered that any disruption associated with the removal of the gantry would have no significant long-term impact upon the courtyard's contribution to the biodiversity of the area.

The gantry itself is a fairly 'sterile' open structure. There was no evidence during officer site visits of any wildlife, nest sites (or similar) or any other suggestion that the gantry is regularly frequented by birds etc.. It is therefore considered that any contribution made by the gantry to the biodiversity of the area, would not be sufficient to override other considerations regarding the retention of the gantry.

#### **9.4 Townscape, Design & Heritage Impact**

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.* Furthermore, Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. 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.

Key consideration is also given to policies 38, 39 or 40 of Westminster's City Plan 2021. Policy 38 Design Principles (A) states that new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design, and, (B), will respond to local context by positively contributing to Westminster's townscape and streetscape.

The Soho conservation area audit identifies the site as an unlisted building of merit.

When permission was originally granted on the 26 January 2015 for the 'demolition of existing roof structure and erection of mansard roof extension and raised flank wall to provide additional accommodation to existing flats at 47 - 53 Rupert Street', this was for a much lower roof form than the subsequently built unauthorised structure.

Following negotiations with officers, planning permission was granted for an amended scheme to remove the greater part of the unauthorised sixth floor rear gantry on the basis that this was considered inappropriate in the surrounding context and harmful to the conservation area and was not necessary in fire safety terms. The removal of the gantry, removal of the gantry access door, removal of the front parapet railing and the provision of an internal escape corridor were secured by condition.

The current proposal seeks to allow the retention of the rear sixth floor gantry for use as an additional means of escape and the retention of the gantry access door at the rear of 47 Rupert Street and for an extension of time to facilitate the construction of the internal escape corridor.

Letters of support have been received opining that the gantry has no adverse impact in townscape terms and that it is highly coherent with other design features of the courtyard, providing a sense of completed symmetry when viewed in the context of various of gantries, fire escapes, open stairwells, balconies and roof terraces on neighbouring sites and the historic fire escape/gantry on the lower floors. They believe that the gantry could be considered to enhance the courtyard, 'sympathetically complementing the other similar features surrounding it'. In support of this view they cite the NPPF which refers to developments functioning well and add to the overall quality of the area for the lifetime of the development; to be visually attractive as a result of good architecture; to be sympathetic to local character and history, including the surrounding built environment; to establish and maintain a strong sense of place and to create safe places that are inclusive and accessible; promote health and well-being with a high standard of amenity for existing and future users and where crime, or the fear of crime does not undermine quality of life or community cohesion and resilience.

While there are gantries and stairs on the lower floors of the application building, these form necessary means of escape and were installed, historically, largely without planning permission. As discussed in the consideration of the previous applications, the City Council normally resists granting permission for new external means of escape, as there is usually a means of internal layout which renders them unnecessary. Policy 38 of the City Plan requires exemplary standards of high-quality architecture which will positively contribute to Westminster's townscape. As such, new buildings and extensions are required to incorporate the necessary fire escape routes rather than install additional clutter to the exterior of buildings. The applicant's amended the approved scheme to remove the greater part of the rear gantry on the basis that there was no requirement for an external escape. Furthermore, the approved scheme was negotiated to secure the removal of one of the rear access doors. The rear elevation was also reconfigured which served to better balance the roof level fenestration.

The Health and Safety Executive has confirmed that the external gantry is not required as a means of escape provided that the previously approved internal escape corridor is implemented (see next section of this report), and therefore for design and conservation reasons it should be removed. The gantry forms a heavy, intrusive addition to the roofscape which is readily visible from adjacent buildings. Such features at parapet level are generally not found elsewhere in the conservation area as they serve to clutter the roofscape and traditional roof forms. As such, the proposal would fail to respond to the prevailing context and have a harmful impact on the character and appearance of the conservation area.

The roof level gantry forms an alien feature in the conservation area where there are no such features attached to domestic scale buildings and its retention could set an undesirable precedent. This application fails to preserve or enhance the character and appearance of the conservation area as required by Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

The less than substantial harm caused is not considered justified or outweighed by any public benefits brought about by the scheme as required by Paragraphs 200 and 202 of the NPPF and the proposed alterations are contrary to policies 38, 39 and 40 of the City Plan 2019- 2040 (Adopted April 2021).

## 9.5 Fire Safety

Policy D12 of the London Plan requires all development proposals to achieve the highest standard of fire safety and to ensure that they are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire, including appropriate fire alarm systems and passive and active fire safety measures.

Supporters of the application consider that the retention of the gantry would be beneficial to the amenity and safety of residents and the neighbourhood by providing an additional means of escape both in terms of enhanced fire safety measures, and in providing an additional escape route in the event of a crime being carried out within the building, contending that this would be especially beneficial for vulnerable residents, including those with disabilities where the requirement to escape down a single stair core might be more challenging. Supporters consider that, regardless of whether it is 'absolutely necessary as an amenity or fire safety mechanism', it is 'inconceivable' that the gantry should be removed as it makes the development safer, more inclusive and more accessible and provides much higher standard of safety and amenity for current and future residents. They have referred to various policies within the City Plan, Soho Neighbourhood Plan and paragraphs in the NPPF, considering that these strongly support the gantry's retention namely:

Paragraph 96B of the NPPF which requires planning policies and decisions to aim to achieve healthy, inclusive, safe and accessible places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

Paragraph 101 of the NPPF which requires planning policies and decisions to promote public safety and take into account wider security and defence requirements by anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. The remainder of this paragraph relates to policies for town centres, their layouts and design, which should respond to information regarding potential threats; requirements to ensure public safety and security.

Paragraph 116B of the NPPF which requires development to address the needs of people with disabilities and reduced mobility in relation to all modes of transport; and

Paragraph 135F of the NPPF which requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

As detailed above supporters of the scheme consider that the retention of the gantry would comply with the requirements of Policy 12 of the City plan by significantly enhancing the quality of the housing provided by improving residents' safety including from the effects of fire, crime, flooding and other climate change disasters and improving the safety of vulnerable people who could be occupying the top floor flats - even if such an additional means of escape is not strictly necessary. They consider that a development which

provides an additional means of escape for building residents should be considered acceptable in principle.

Safety issues are of paramount importance, but it has been demonstrated that a fire corridor can be provided internally within the building without the need for external provision, and this would provide adequate means of escape for the residents of the building in the event of a fire. This has been confirmed by the Health and Safety Executive as the statutory consultee for fire safety matters. The HSE has no objection to the proposed gantry as an alternative means of escape but makes clear that it is not necessary if the internal fire corridor is provided as required by the previous permissions. In these circumstances, the overriding consideration is the visual harm caused by the gantry and any other considerations seeking to justify its retention are insufficient to overcome this harm.

## **9.6 Residential Amenity**

Supporters of the application consider that a requirement for the removal of the gantry, and the associated disruption to neighbours, would be contrary to Soho Neighbourhood Plan Policy 18. However, this policy relates specifically to the requirement for Delivery and Servicing Plans for new developments to address the issue of carbon emissions from delivery vehicles and is not relevant to this application. If the application had been considered acceptable, conditions relating to hours of work would have been imposed to address the concerns relating to disruption.

### **Creation of amenity space**

Supporters of the scheme also contend that the retention of the gantry would enhance the amenity of the existing accommodation by providing a potential external amenity space. The application does not propose the use of the retained gantry as an external amenity space/balcony for the sixth-floor flats. The submitted fire safety report confirms that as an external escape route, the gantry should be maintained as such, and the use of the gantry as a private amenity space would therefore conflict with this requirement. Therefore should the retention of the gantry otherwise be considered acceptable, a condition would be imposed to limit its use to a means of escape only.

## **9.7 Transportation, Accessibility & Servicing**

The proposal does not raise any new highways or servicing issues.

## **9.8 Economy including Employment & Skills**

Not relevant.

## **9.9 Other Considerations**

None.

## **9.10 Environmental Impact Assessment**

Not relevant.



### **9.11 Planning Obligations & Pre-Commencement Conditions**

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

### **10 Conclusion**

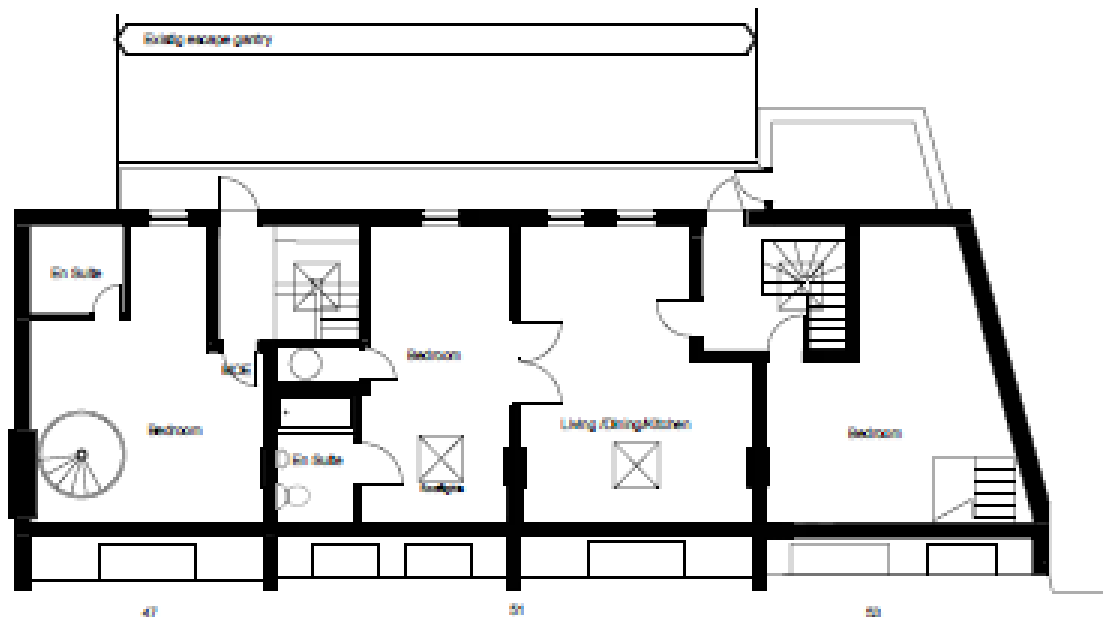
The retention of the gantry is considered unacceptable due to its impact on the appearance of the host building, and it would also fail to preserve or enhance the character and appearance of the conservation area. It is considered that there are no potential benefits associated with the retention of the gantry and associated access door which are sufficient to outweigh these concerns, particularly as adequate fire safety provision would be achieved internally in accordance with the extant planning permission.

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

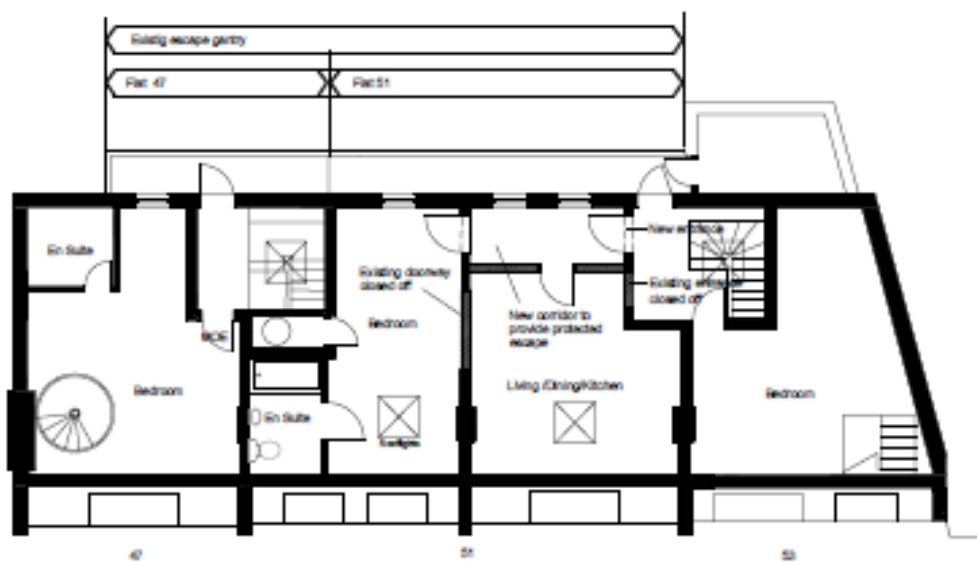
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

KEY DRAWINGS

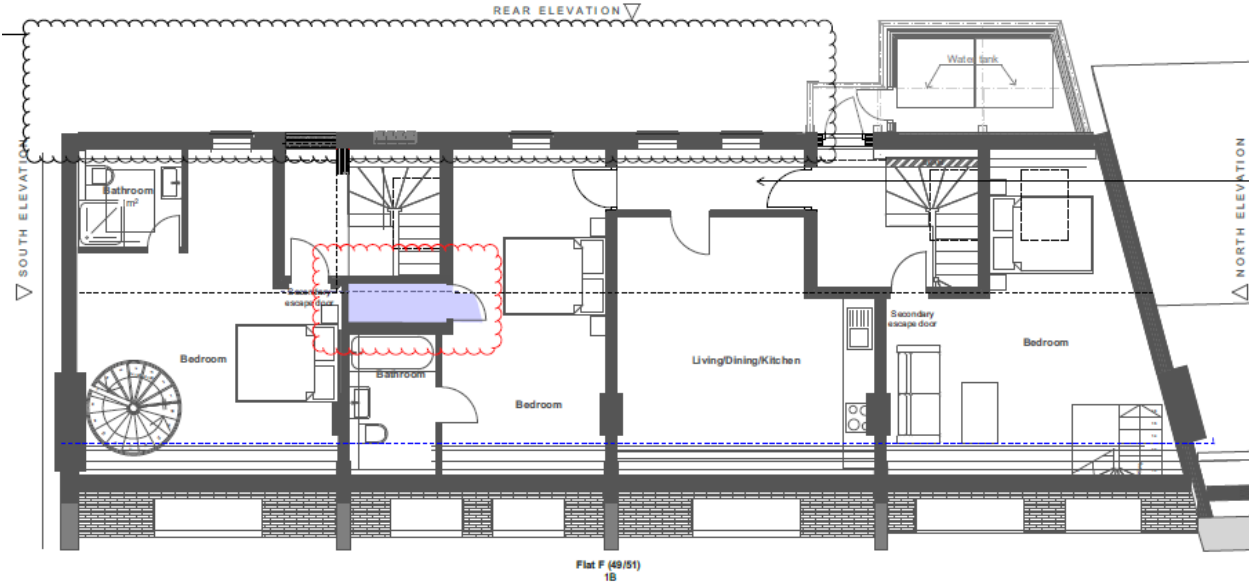
Sixth floor as existing



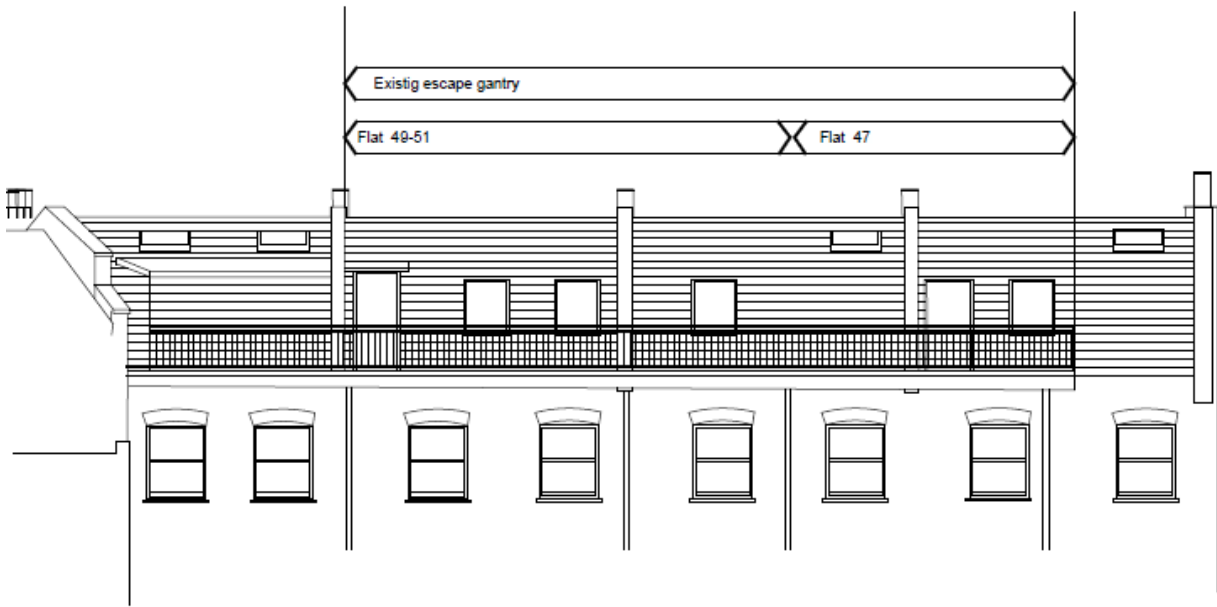
Sixth floor as proposed



**Sixth floor as approved**



**Rear elevation as proposed**



Rear elevation as approved



REAR ELEVATION

**DRAFT DECISION LETTER**

**Address:** 47 Rupert Street, London, W1D 7PE

**Proposal:** Variation of conditions 1 and 3 of the permission dated 30 October 2019 (19/07041/FULL), which itself varies the permissions dated 14 August 2018 (17/10714/FULL) and 29 May 2019 (19/02341/FULL) for the 'Demolition of existing roof structures (excluding chimneys), erection of new mansard roof and associated works in connection the use of the 5th and new 6th floors as 1 x studio; 3 x 1 bed and 1 x 2 bed residential units (providing one additional unit) (Class C3)' (Retrospective application) (Site includes 51-53 Rupert Street); NAMELY to enable the retention of the 6th floor rear gantry and the gantry access door at the rear of 47 Rupert Street (as an additional means of escape) and to extend the timescale for the creation of the internal corridor to the new sixth floor flat at 49/51 Rupert Street (Application under section 73 of the Act). (Revised description of development and application forms)

**Reference:** 22/07013/FULL

**Plan Nos:** BN311-P-001 Rev C

**Case Officer:** Shaun Retzback

**Direct Tel. No.** 020 7641 07866039795

**Reason(s) for Refusal:**

1. Because of its location and appearance the sixth floor gantry would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and Policy 1 of the Soho Neighbourhood Plan 2019-2040 (October 2021).

**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 so far as practicable. 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, 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme

acceptable.

Required amendments:

- \* the removal of the rear sixth floor gantry (other than where it accommodates the water tank enclosure)
- \* the removal of the gantry access door at the rear of 47 Rupert Street and making good of the rear roof and
- \*the creation of an internal escape corridor within the sixth floor unit at 49-51 Rupert Street as shown on the application drawings.

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.