

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 June 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	36 Montpelier Square, London, SW7 1JY		
Proposal	Replacement of unauthorised rooflight at rear first floor terrace.		
Agent	Planning Potential Ltd		
On behalf of	Sadru Valimahomed		
Registered Number	16/06558/FULL 16/06559/LBC	Date amended/ completed	12 July 2016
Date Application Received	12 July 2016		
Historic Building Grade	II		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

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

2. SUMMARY

36 Montpelier Square is a Grade II listed single family dwelling within the Knightsbridge Conservation Area.

In 2008, planning permission and listed building consent was granted for works including the replacement of an existing low level rooflight with a new low level bi-parting, flat glazed sliding roof light, to the rear first floor terrace area adjacent to the boundary with 5 Rutland Gardens.

A large rooflight has been constructed which is not in accordance with the approved plans. In 2015, an application to retain the unauthorised rooflight was refused for amenity and design reasons.

This latest application for planning permission and listed building consent seeks to replace the unauthorised rooflight at rear first floor terrace level.

The key issues in this case are:

- * The impact of the proposals upon the amenity of neighbouring residents; and
- * The impact of the proposals upon the special architectural or historic interest (significance) of the listed building and the character and appearance of the Knightsbridge Conservation Area.

The proposals are considered to comply with the Council's policies in relation to amenity, design and conservation as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). The applications are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION:

No objection provided the proposed roof light does not impinge on the adjoining neighbour's window.

KNIGHTSBRIDGE AREA FORUM:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 4

Total No. of replies: 2 (both replies from one neighbour)

No. of objections: 2

No. in support: 0

Objection on the following grounds:

- The proposed rooflight does impinge on the neighbour's window;
- Harm to the setting and appearance of the listed building (5 Rutland Gardens);
- Fails to preserve or enhance the character and appearance of the conservation area;
- Fails to protect the amenity of occupiers of the neighbouring property;
- The proposed design detracts from the character of the adjacent listed building and adversely affects the outlook from that property;
- The applicant has failed to have special regard to the important heritage asset;
- No public benefits outweigh the harm.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

36 Montpelier Square is a six storey single-family dwelling comprising of basement, ground and four upper floors and is located on the north side of Montpelier Square. To the rear of the site is an existing terrace which extends to the boundary with 5 Rutland Gardens. The usable part of the terrace at rear first floor level is enclosed by a timber screen, and an unauthorised roof light is located beyond this screen adjacent to the boundary wall of 5 Rutland Gardens.

6.2 Recent Relevant History

08/06321/FULL and 08/06322/LBC

Alterations including: extension to rear four storey closet wing; extension of rear mansard roof; erection of replacement rear conservatory at first floor level, installation of roof light at rear first floor level and alterations to fenestration; internal alterations including the demolition and erection of partitions and floors.

Application Permitted 16 October 2008

15/07881/FULL and 15/07882/LBC

Retention of alterations to rear first floor terrace and roof light and associated fenestration.

Application Refused 17 December 2015

Reasons for refusal:

1. The retained rooflight would make the people living in 5 Rutland Gardens feel too shut in. This is because of its bulk and height and how close it is to windows in that property. This would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.
2. Because of the height, bulk and location the rear roof light would harm the character of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Knightsbridge Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. The roof light is also considered contrary to paragraph 134 of the NPPF, Westminster's 'Repair and Alterations to Listed Buildings' SPG and Westminster's Basement's guidance.

7. THE PROPOSAL

Planning permission and listed building consent are sought for the replacement of an unauthorised rooflight at rear first floor terrace level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals relate to a single family dwelling and no changes are proposed to the use of the building.

8.2 Townscape and Design

As part of the 2008 approved scheme, the proposals sought to replace a low level rooflight to the rear first floor area close to the boundary with 5 Rutland Gardens with a low level bi-parting, flat glazed sliding rooflight.

The rooflight which has been constructed is not in accordance with the approved plans. The unauthorised rooflight is a large raised rooflight which is approximately 1.14m high at its highest point, is set back from the rear of 5 Rutland Gardens by approximately

0.65m, and is capable of sliding open. It is unclear precisely when the works to construct the unauthorised rooflight were completed, but planning records indicate that works in the location of the rooflight were underway in November 2010, and by November 2011 the unauthorised rooflight was in situ.

In 2015 the proposed retention of this rooflight was refused because its height, bulk and location would harm the character of this grade II listed building, and fail to maintain or improve (preserve or enhance) the character and appearance of the Knightsbridge Conservation Area.

The proposed replacement rooflight would comprise of two fixed glazed panels with the middle section comprising of a bi-parting, openable roof light. Concern has been raised by the residential occupier of 5 Rutland Gardens that the rooflight harms the setting of the adjacent listed building (5 Rutland Gardens), and fails to preserve or enhance the character and appearance of the conservation area, and that there are no public benefits which outweigh the harm caused.

The principle of an openable roof light in this location has already been established under the 2008 scheme. There is also a similar arrangement, albeit a flush walk on rooflight, to the rear of 37 Montpelier Square, and a glazed conservatory to the rear of 35 Montpelier Square. The proposed replacement rooflight is only marginally above the height of the rooflight approved in 2008, and not to the extent of the unauthorised rooflight. On this basis, it is not considered that the proposed replacement rooflight would cause demonstrable harm to the special character of the listed building, to both the application site and 5 Rutland Gardens. Given that views of the rooflight are limited and confined to private views, the proposal is not considered to cause harm to the wider conservation area.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, and encourage development which enhances the residential environment of surrounding properties.

The application site backs onto the rear of 5 Rutland Gardens, which is a single family dwelling. There is no boundary separation between the application site and 5 Rutland Gardens; this is a characteristic comparable with other properties along this section of the terrace. There are two windows within the rear of 5 Rutland Gardens which serve a living room and a bathroom. The unauthorised rooflight is clearly visible from both these windows and has an unacceptable impact in terms of sense of enclosure because of its bulk and height and how close it is to these windows in 5 Rutland Gardens.

The proposals seek to replace the unauthorised rooflight in order to minimise its impact on the windows serving 5 Rutland Gardens. The replacement rooflight would comprise of two fixed glazed panels with the middle section comprising of a bi-parting, openable roof light. The replacement rooflight would still extend above the window sill of 5 Rutland Gardens by approximately 0.16m when in the closed position, and by approximately 0.3m when in the open position. The residential occupier of 5 Rutland Gardens objects to the proposals on grounds it will adversely affect the outlook from their windows.

There already exists an unneighbourly arrangement between the application site and 5 Rutland Gardens. Whilst the proposed rooflight does extend above the window sill of 5 Rutland Gardens, it is only marginally above the height of the rooflight approved in 2008, and not to the extent of the unauthorised rooflight. On balance, it is not considered that the proposed rooflight would have a significant adverse impact on the amenity of 5 Rutland Gardens to justify refusal.

The 2008 approved scheme already established the principle of an openable rooflight in this location. The rooflight serves a double height amenity space which leads off a living room. It is not considered that the openable nature of the rooflight would cause harm to the residential amenity of 5 Rutland Gardens in terms of noise and disturbance.

8.4 Transportation/Parking

The proposals do not raise any highways or parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 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.

8.10 Planning Obligations

This development does not generate a Mayor CIL or WCC CIL payment.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form.
2. E-mail from the Knightsbridge Association received 3 August 2016.
3. E-mail from the residential occupier of 5 Rutland Gardens received 10 August 2016.
4. Letter from Bell Cornwall on behalf of 5 Rutland Gardens dated 8 August 2016.

(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: DAVID DORWARD BY EMAIL AT DDORWARD@WESTMINSTER.GOV.UK

10. KEY DRAWINGS

4 SECTION C - C
ROOF LIGHT

2 SECTION B - B
ROOF LIGHT

1 FIRST FLOOR PLAN
ROOF LIGHT

3 SECTION A - A
ROOF LIGHT

5 DETAIL AT MEETING
ROOF LIGHT

6 DETAIL OF SLIDER
ROOF LIGHT

7 DETAIL AT ABUTMENT
ROOF LIGHT

8 PROPOSED SECTION D-D (ROOF LIGHT OPENING)
ROOF LIGHT

Notes:

- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BRITISH STANDARDS INSTITUTION (BSI) STANDARDS.
- 2. ALL DIMENSIONS SHALL BE IN METERS UNLESS OTHERWISE SPECIFIED.
- 3. ALL MATERIALS SHALL BE OF THE HIGHEST QUALITY AVAILABLE.
- 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BRITISH STANDARDS INSTITUTION (BSI) STANDARDS.
- 5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BRITISH STANDARDS INSTITUTION (BSI) STANDARDS.

Scale:

1:50

1:10

1:20

1:50

1:100

1:200

1:500

1:1000

MONFREY ASSOCIATES
ARCHITECTS - ENGINEERS

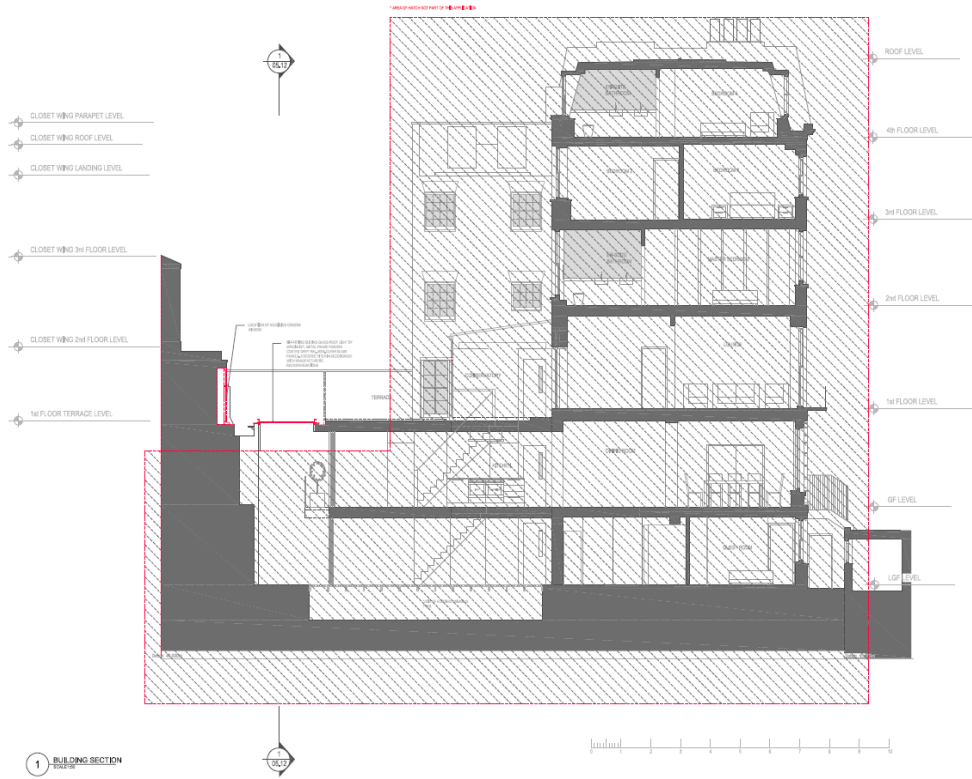
33 MONPELLIER SQUARE
LONDON W1A 1AA
TEL: 020 7613 1000
WWW.MONFREYASSOCIATES.CO.UK

33 MONPELLIER SQUARE REF: 763

ROOFLIGHT DETAILS

DATE: FEB 17 2017
SCALE: CONSTRUCTION
DRAWN BY: [] CHECKED BY: []

Proposed Rooflight details



THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

DATE: 10/15/2014

BY: [Signature]

SCALE: 1/8" = 1'-0"

31 MONPELIER SQUARE

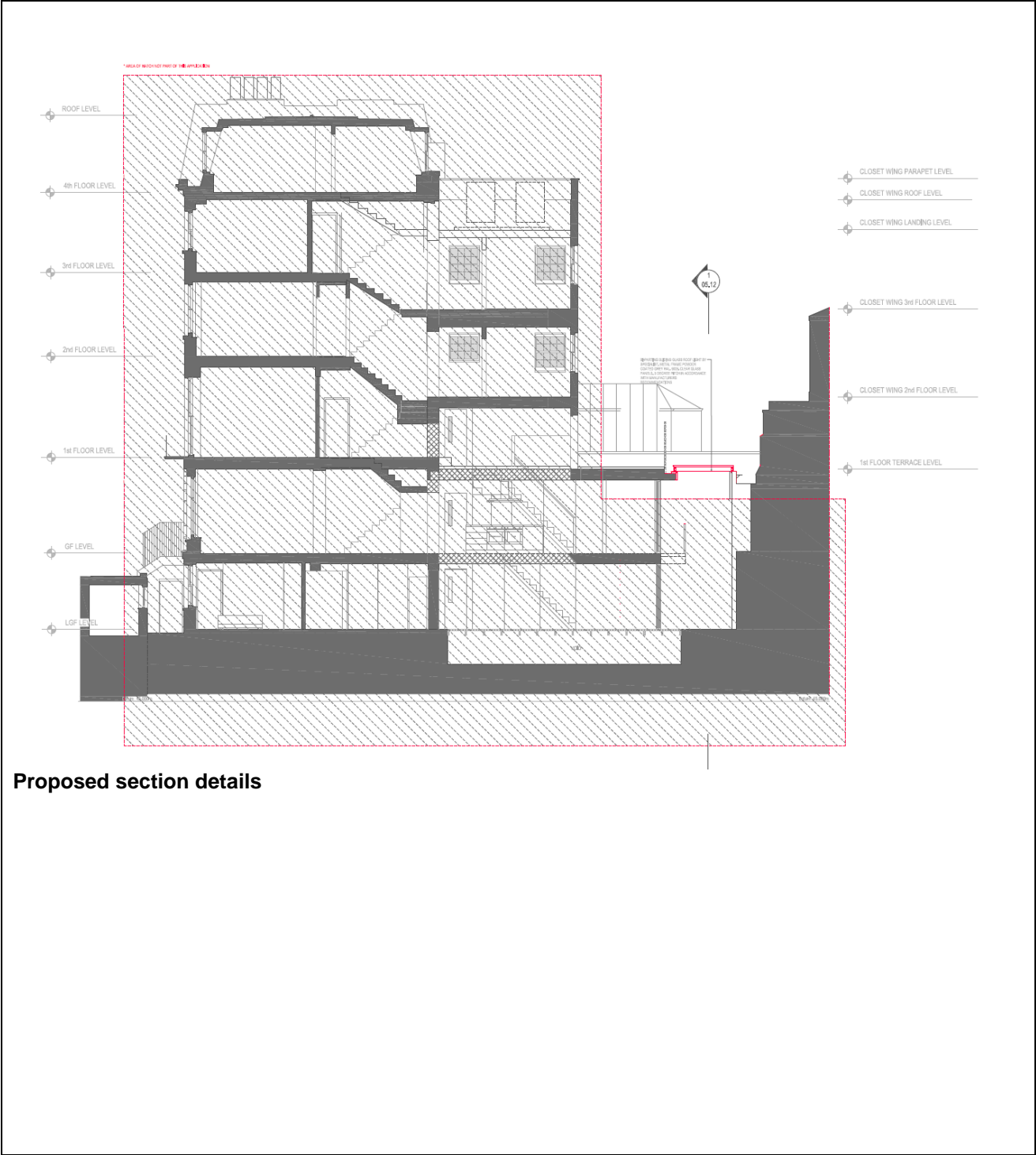
SECTION 1
SECTION AS PROPOSED

JAN 17 2015

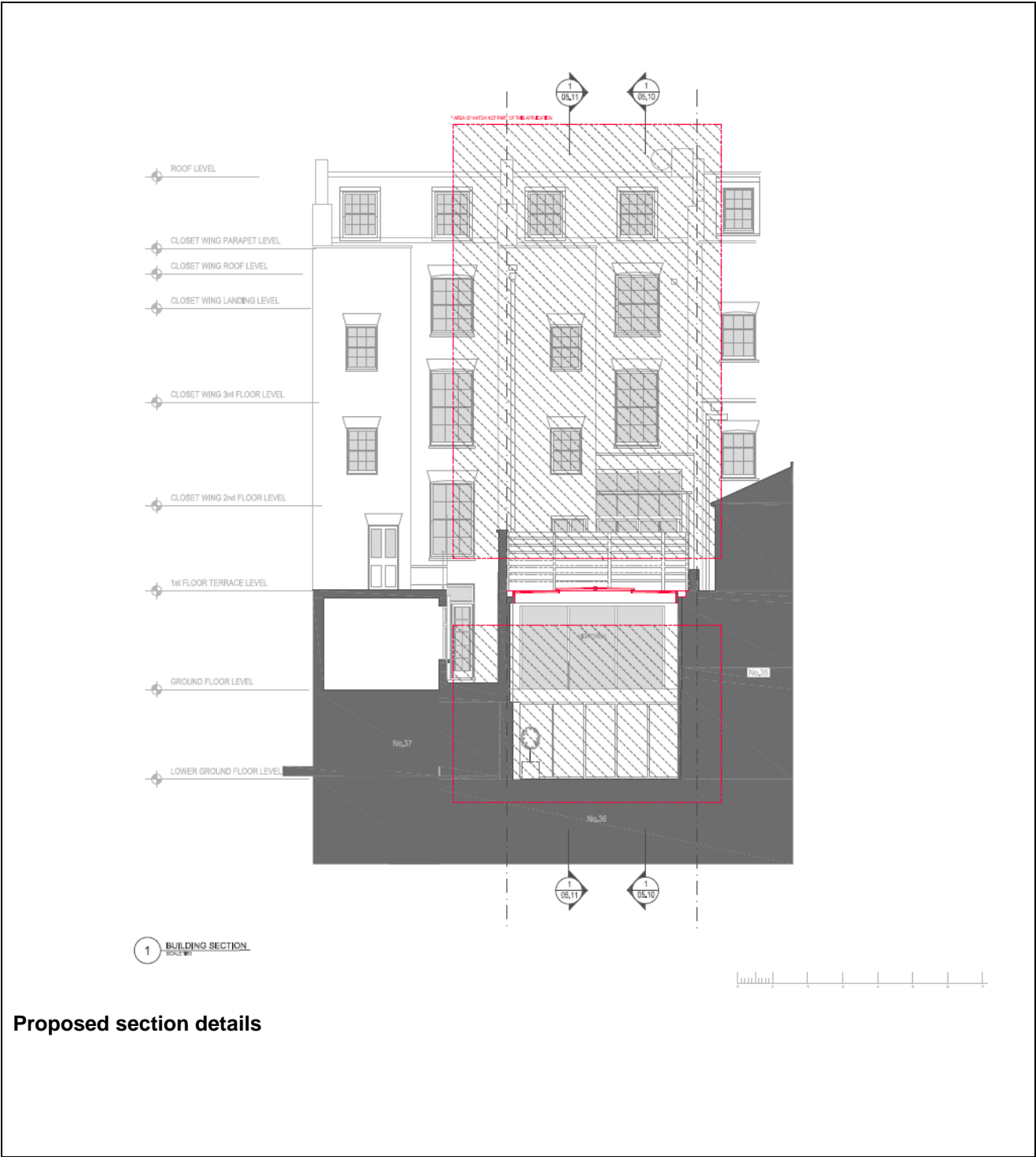
PLANNING APPLICATION

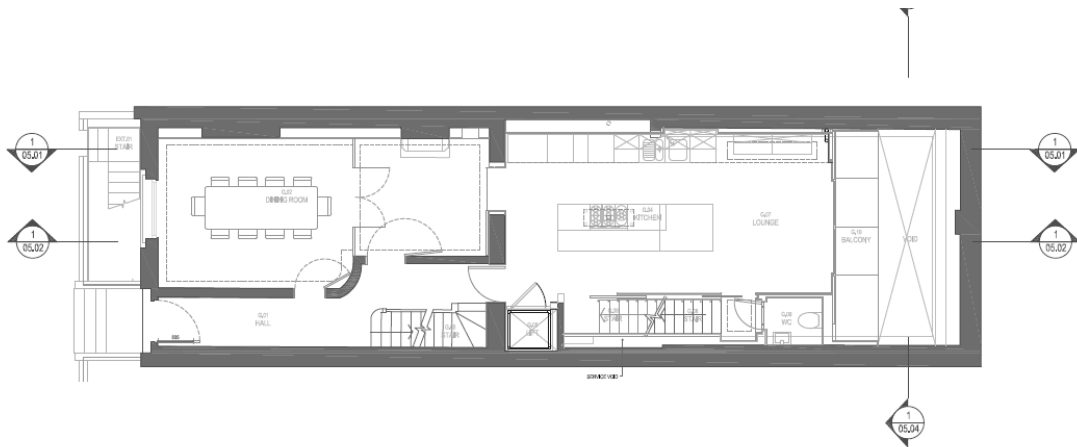
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Proposed section details

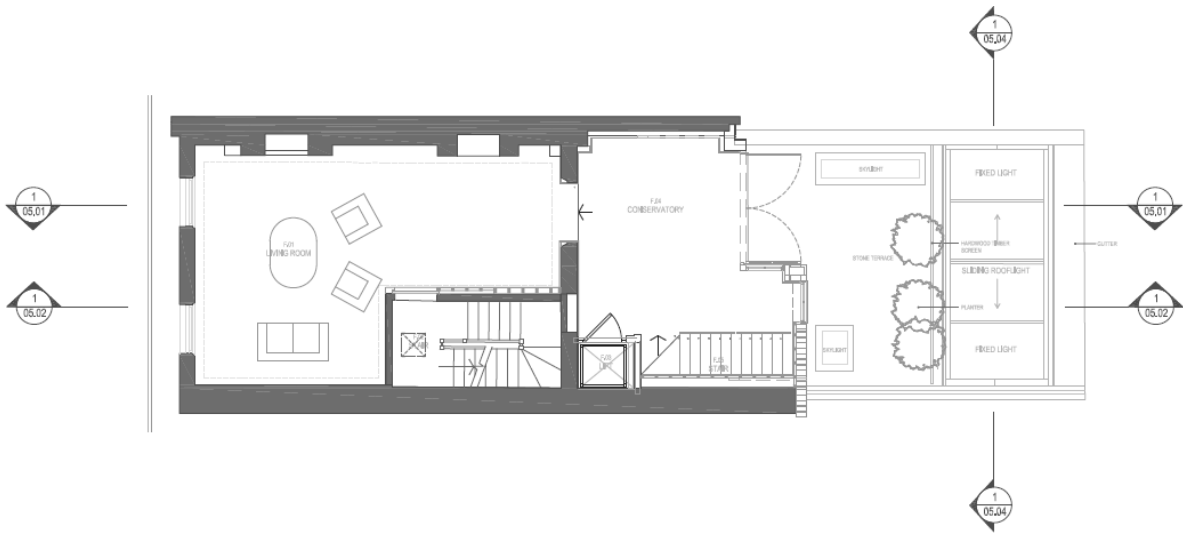


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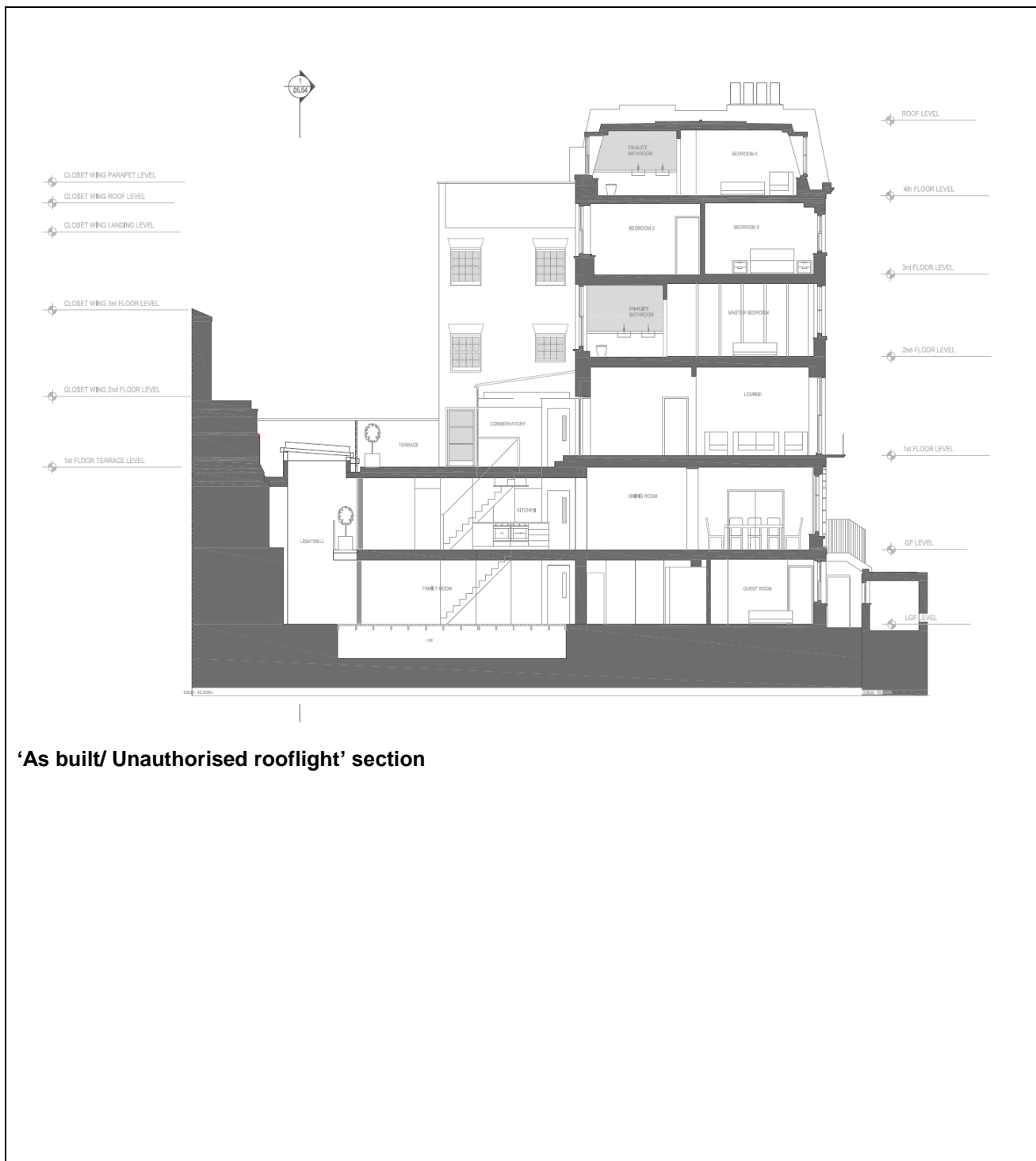




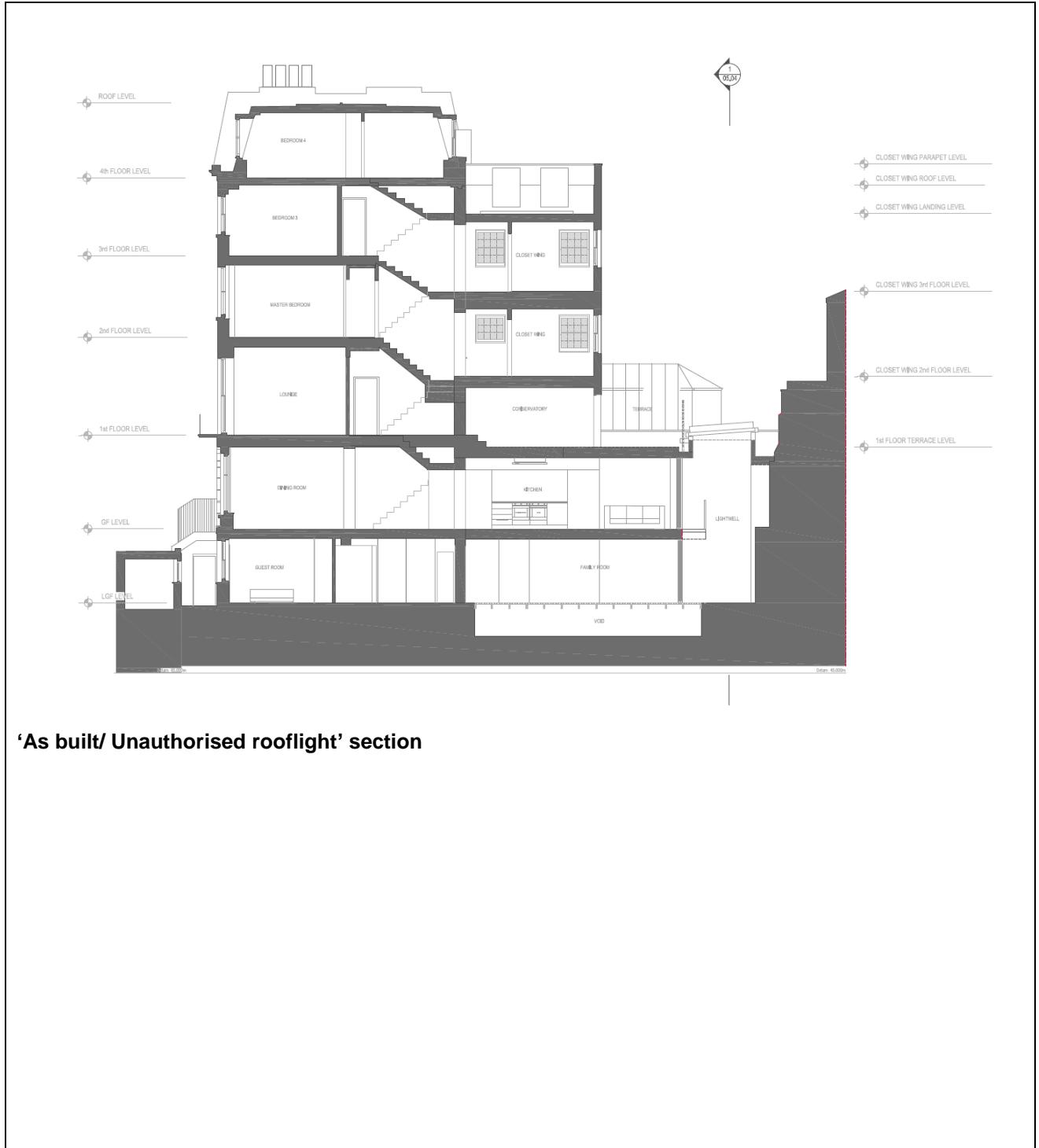
Ground floor 'As built/ Unauthorised rooflight'



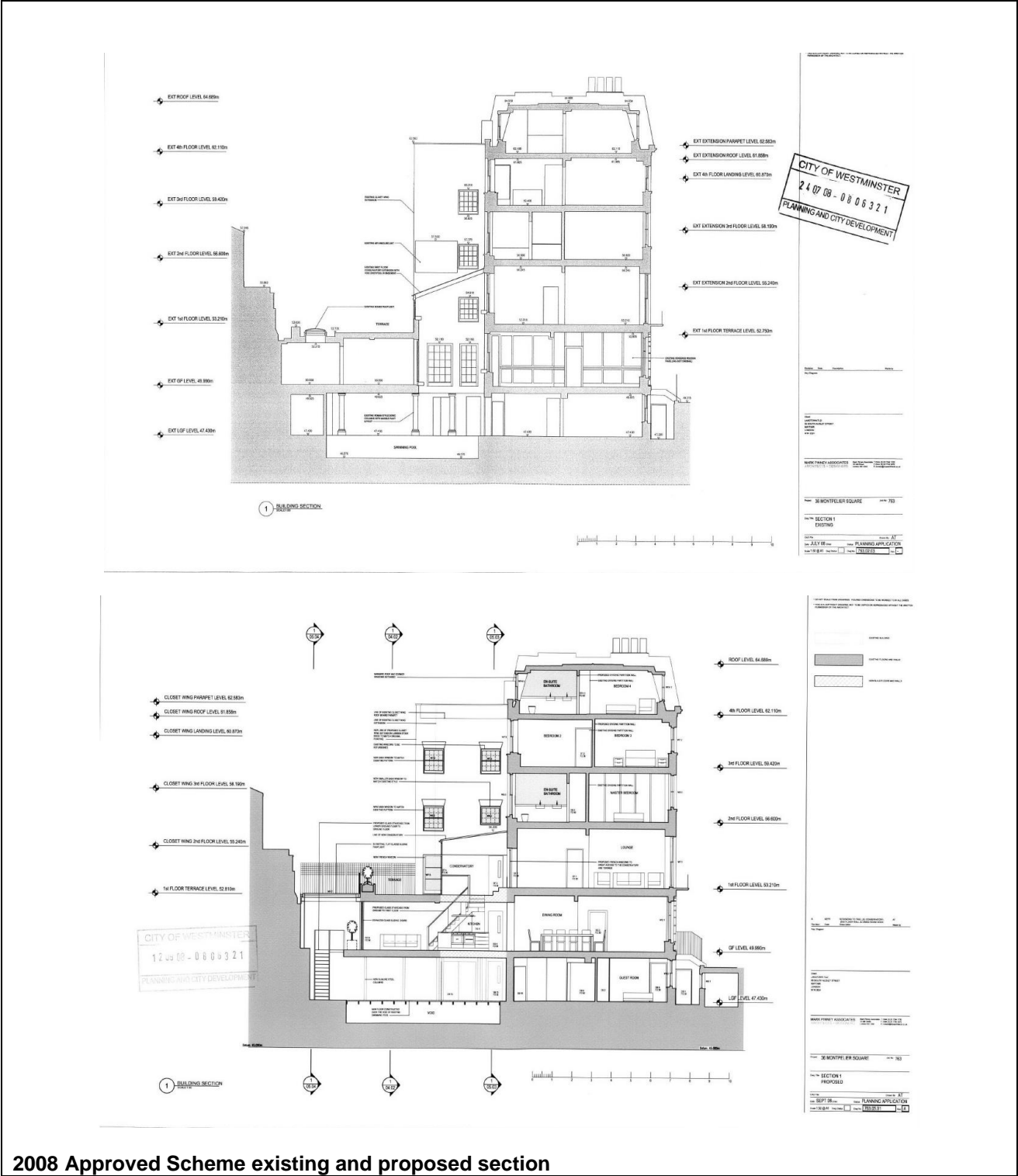
First floor 'As built/ Unauthorised rooflight'



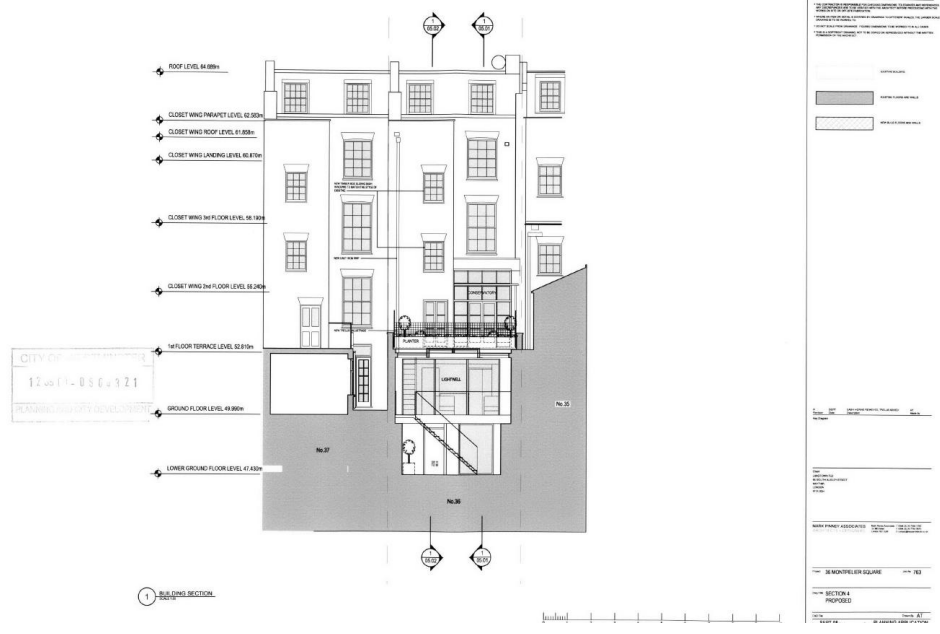
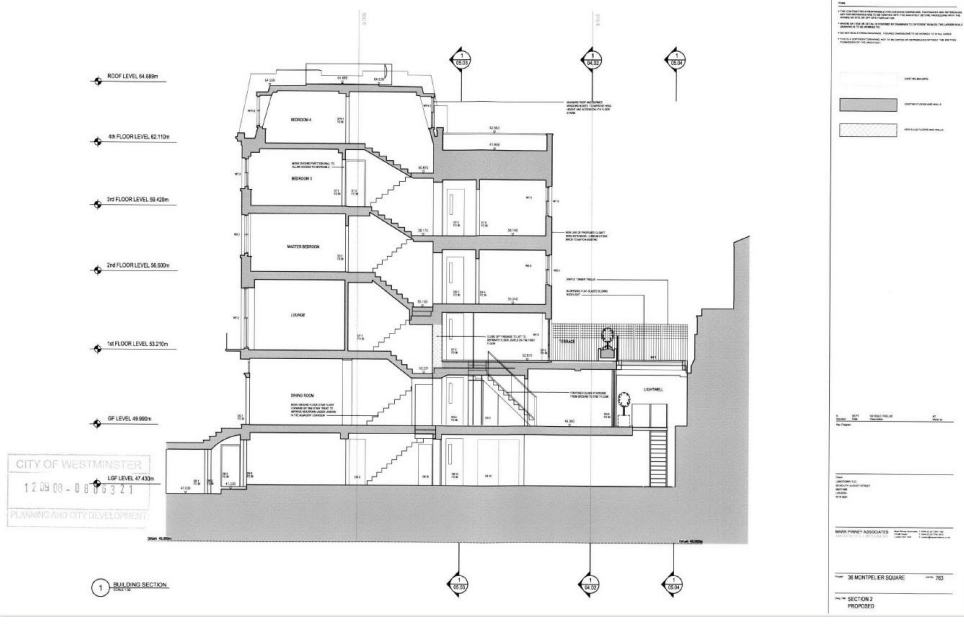
'As built/ Unauthorised rooflight' section



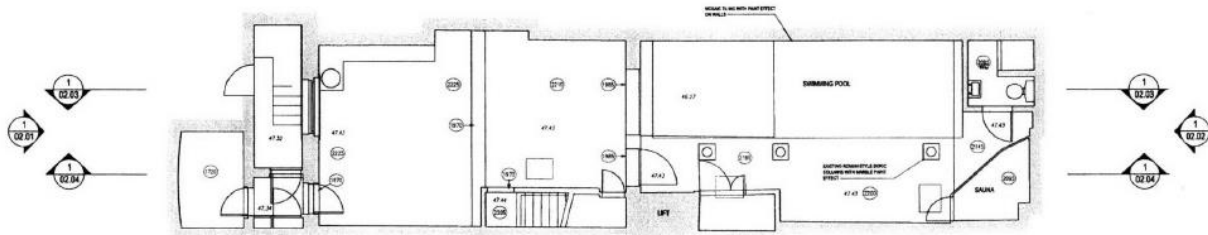
'As built/ Unauthorised rooflight' section



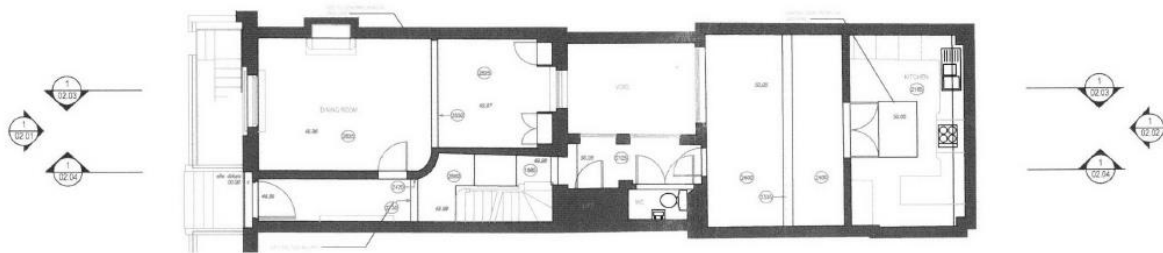
2008 Approved Scheme existing and proposed section



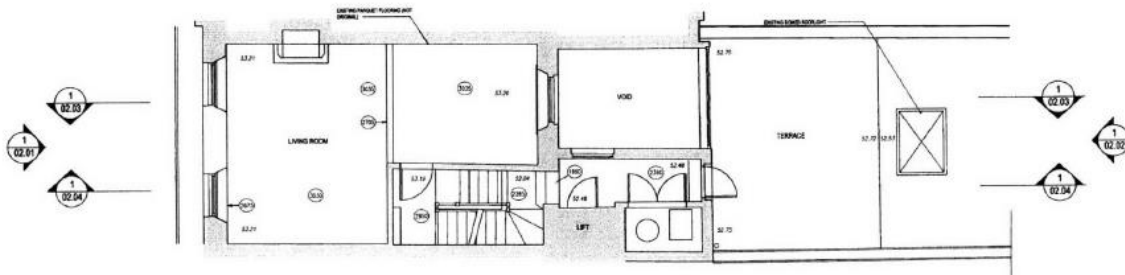
2008 Approved Scheme Proposed sections



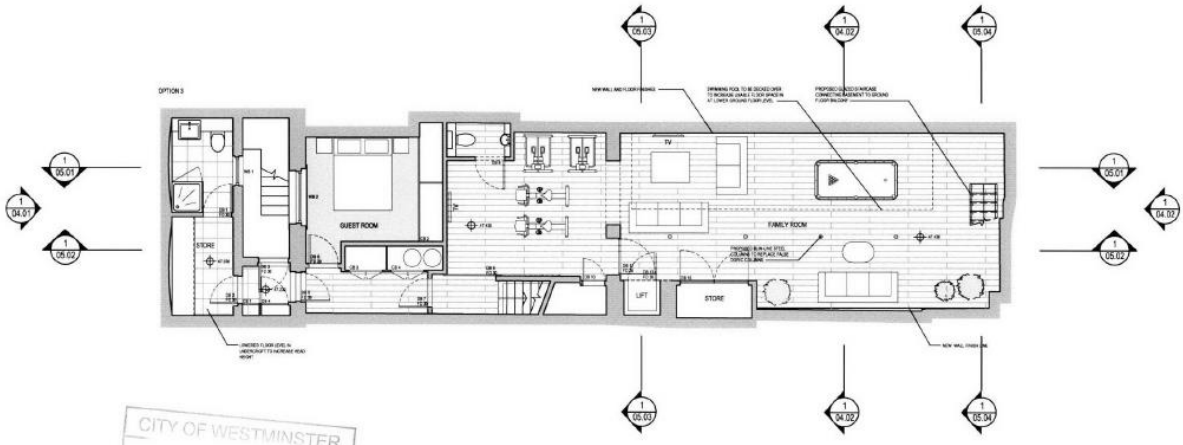
2008 Approved scheme - Existing lower ground floor plan



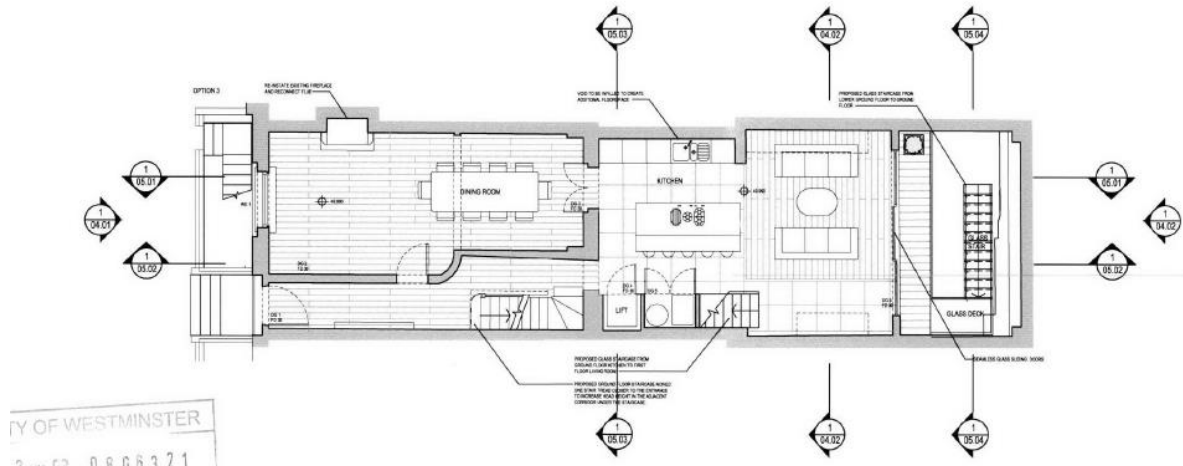
2008 Approved scheme - Existing ground floor plan



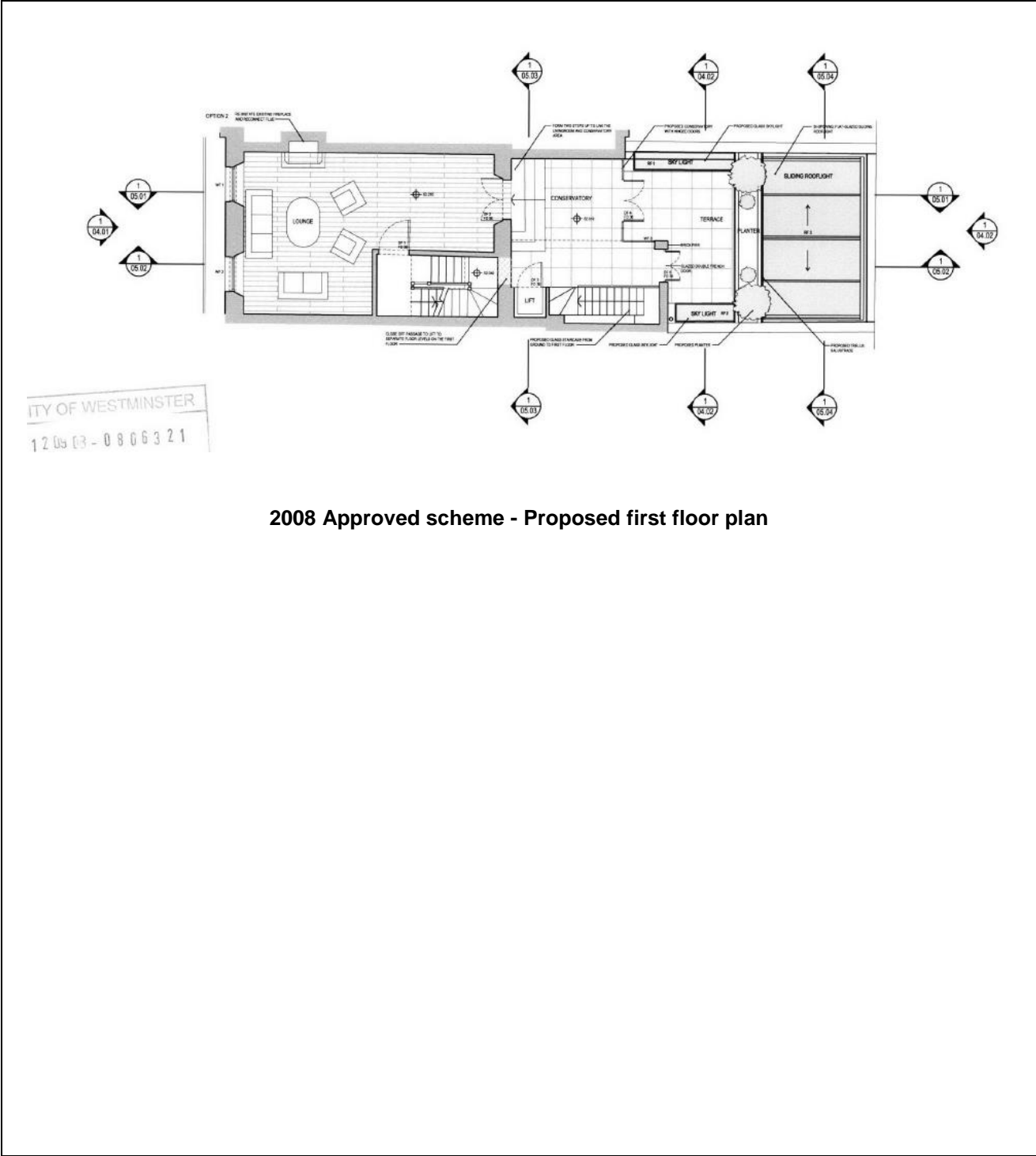
2008 Approved scheme - Existing first floor plan



2008 Approved scheme - Proposed lower ground floor plan



2008 Approved scheme - Proposed ground floor plan



2008 Approved scheme - Proposed first floor plan

DRAFT DECISION LETTER

Address: 36 Montpelier Square, London, SW7 1JY

Proposal: Replacement of unauthorised rooflight at rear first floor terrace.

Reference: 16/06558/FULL

Plan Nos: 763.09.60 Rev. A, 763.03.10 Rev. B, 763.03.11 Rev. B, 763.03.12 Rev. C, -01-D-01, -01-D-02, 763.05.10 Rev. C, 763.05.11 Rev. C and 763.05.12 Rev. C.

For information purposes only: 763.05.01 Rev. B, 763.05.02 Rev. B, 763.05.04 Rev. B, 763.03.02 Rev. B, 763.03.03 Rev. B and drawing showing pre-existing overlay.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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:

- between 08.00 and 18.00 Monday to Friday;
- between 08.00 and 13.00 on Saturday; and
- not at all on Sundays, bank holidays and public holidays.

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

- between 08.00 and 18.00 Monday to Friday; and
- 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 S29 and S32 of

Westminster's City Plan (November 2016) 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 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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must not use the area accommodating the roof light for sitting out or for any other purpose. You can however use the roof area to escape in an emergency or for maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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 Westminster's City Plan (November 2016), Unitary Development Plan, 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.

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.

Item No.

6
