

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Ivor Court , Gloucester Place, London, NW1 6BJ		
Proposal	Use of store room as residential flat (Use Class Class C3), creation of access steps to create new entrance into flat, installation of 3no. rooflights set within existing roof, proposed windows to replace existing fan lights, and associated works.		
Agent	Miss Helen Thomas		
On behalf of	Strike a Light Limited		
Registered Number	17/04806/FULL	Date amended/ completed	1 August 2017
Date Application Received	1 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Dorset Square		

## 1. RECOMMENDATION

Refuse planning permission

## 2. SUMMARY

The application relates to the conversion of a basement utility room of a residential apartment block, Ivor Court, on Gloucester Place, to a single residential dwelling and separate utility space.

The main issues relate to;

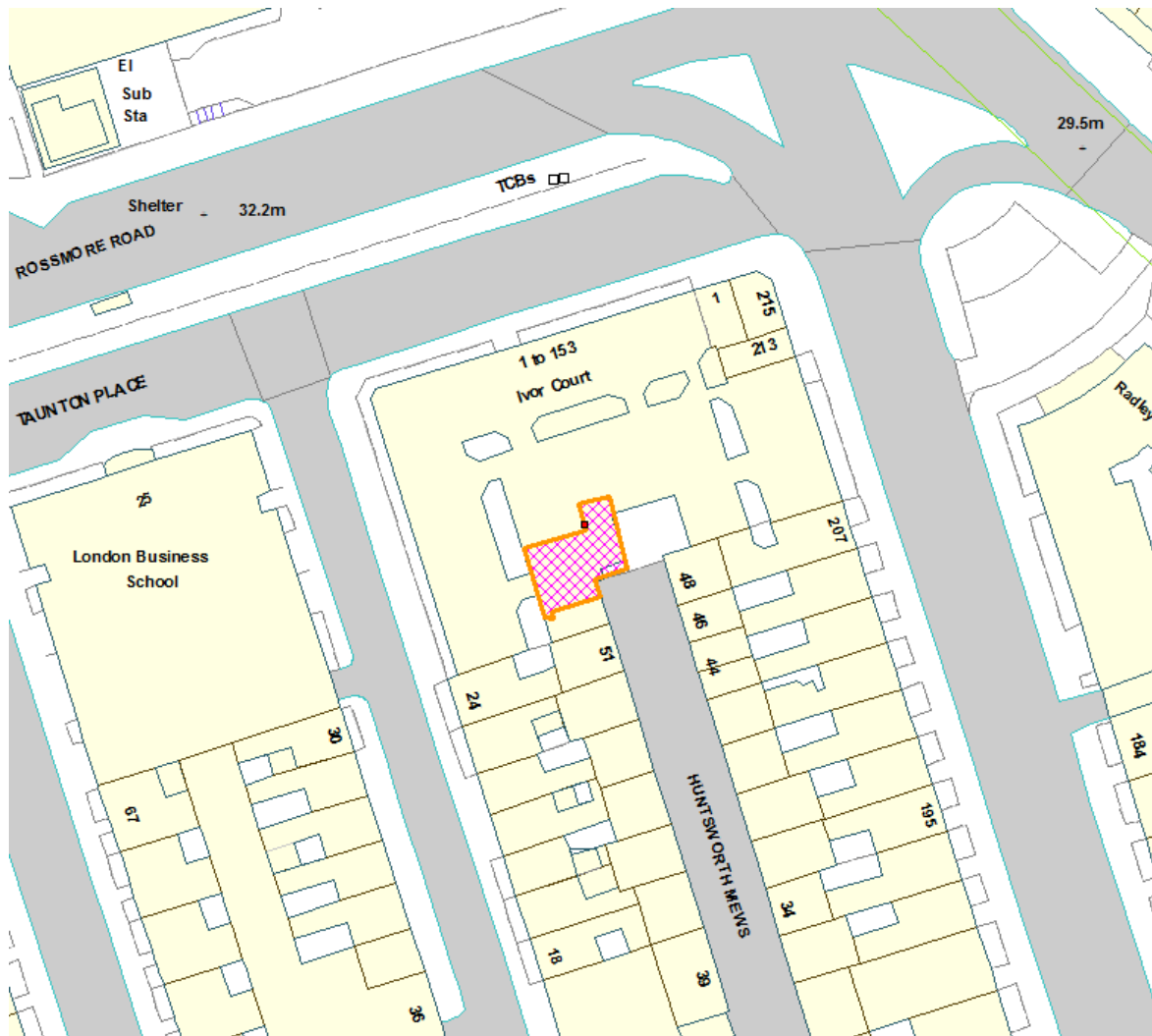
- The impact of the conversion upon neighbouring amenity.
- The quality of accommodation for future occupiers.

The application has attracted objections from the City Councils Environmental Health department on grounds of substandard accommodation. Residents of Ivor Court have raised objections on similar grounds as well as issues relating to access, and impact upon fire safety in the building. In addition the Director of Ivor Court Freehold Limited has written in to support of the conversion and provide clarifications over ownership and access queries raised.

Notwithstanding the comments in support of the application received, the application is considered to provide a substandard of accommodation, with particular regards to deficiencies of natural light, and

would have an adverse impact upon the amenity of neighbouring occupiers, and therefore fails to comply with the relevant policies within the City Plan, UDP, London Plan and NPPF and is recommended for refusal.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS

**Approach from Huntsworth Mews**



**Front door of Flat No. 17, directly opposite the application site.**



**Front elevation of existing store room**



## 5. CONSULTATIONS

### ST MARYLEBONE SOCIETY:

Note objections from other third parties. Defer to Planning Officer.

### ENVIRONMENTAL HEALTH

- \* Means of escape unsatisfactory.
- \* Solar gain from large rooflights cause of over heating.
- \* No details of thermal performance of structure.
- \* No details of acoustic environment, plant potentially in close proximity to windows.
- \* Poor natural light reaching windows.
- \* No details of security, with regards to operational bedroom window at night.

### HIGHWAYS PLANNING MANAGER:

No objections.

### ADJOINING OWNER/OCCUPIERS:

Total No consulted: 168

No of responses: 5 (3 objections, 2 support)

Three objections received on some or all of the following grounds:

- \* Residential flat would have poor natural light and ventilation.
- \* Front access Stairs is proposed on land which falls outside of site curtilage and adjacent to vents.
- \* Roof is used as terrace for upstairs occupiers. Rooflights would cause disruption.
- \* Conversion results in fire hazard for existing building.
- \* Flat roof of the balcony area in which the roof lights are to be installed is owned by Ivor Court Freehold Limited, and is not demised to the adjacent flat.

### SITE AND PRESS NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is Ivor Court located on Gloucester Place which is an unlisted apartment block with Art Deco appearance dating from the interwar period. It is located in the Dorset Square Conservation Area. The application relates to a utility and store room located in at basement level in the building which is partly extended to the rear into an external courtyard. The store room is currently accessed from the internal utility core of the building which is a semi enclosed space spine within the building providing a series of lightwells, fire escapes and refuse and utilities at basement level. The extended element faces onto an open courtyard at the rear of the building which is served by an existing flight of steps leading up to Huntsworth Mews.

### 6.2 Recent Relevant History

None relevant.

## 7. THE PROPOSAL

The application proposes: 'Use of store room at lower ground level as flat (Class C3), access steps to create new entrance into new flat, 3no. rooflights set within existing terrace. Proposed windows to replace existing fan lights, and associated works.'

The site curtilage red line is comprised of the existing storage unit at basement level, plus a small part of the rear courtyard, where a small sunken light well is proposed accommodating the front door to the new dwelling. The additional annotated ground and basement floor plans provided show the principle access to the new dwelling from Huntsworth Mews via the existing rear entrance and flight of steps leading down to the rear courtyard. The plans do not show any means of accessing the semi enclosed internal utility core of the building from the proposed flat although access is shown from the ground floor foyer and via the existing door used for refuse access on Huntsworth Mews.

During the course of the application, the site curtilage (red line) was increased slightly to take in the small section of courtyard where an excavated sunken light well entrance is proposed. Notice was subsequently served on those with an ownership interest in the land pursuant to Certificate B of the application forms.

In addition floor plans were provided incorporating this revised site curtilage plus additional background information (annotated ground and basement floor plans for Ivor Court) identifying access and refuse arrangements for the proposed flat.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (store)	67	28	- 39
Use (residential) Class C3	0	39	+ 39
Total	67	67	67

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### *New residential unit*

The existing room is a redundant utility room in the lower ground floor of the building, which the agent advised used to be used for the storage of oil tanks to serve the residential building and is now redundant following the updating of the buildings central heating. The proposal retains a small storage room of 28sqm and provides a new one bedroom dwelling of 39sqm. In landuse terms, the creation of a new residential dwelling accords with the Councils objectives for provision of new housing in policies H3 of the UDP (January 2007) and S14 of the City Plan (November 2016), whilst the storage room maintains a utility function at this lower level so the principle of conversion is not objected to.



### *Quality of accommodation*

In terms of quality of accommodation, the rooms current use as a basement utility store does not make it ideal for residential conversion, given that it is at basement level, is single aspect presently and is not integrated into the overall residential part of the building. The City Council's Environmental Health Officer has raised the following concerns in this respect.

- \* Deficiency of natural light reaching bedroom.
- \* Means of escape unsatisfactory.
- \* Solar gain from large roof lights cause of overheating.
- \* No details of thermal performance of structure.
- \* No details of acoustic environment, plant potentially in close proximity to windows.
- \* No details of security, with regards to operational bedroom window at night.

The flat size is 39sqm in line with 1 person accommodation requirements in the DCLG Technical Housing Standards (March 2015). It is proposed to be a dual aspect dwelling, as a result of external alterations proposed. The proposed south facade which would serve the kitchen/living room faces the rear external courtyard and would benefit from a new window and front door plus two large rooflights. The north facade serving the bedroom is located further inside facing into the communal semi enclosed communal core of the building. This area is a highly enclosed utility space which is not suitable location for principle bedroom window. Moreover it is extremely likely this room would suffer from deficiencies in natural light. No day light and sunlight report has been provided to demonstrate that the new dwelling would provide minimum values of ADF pursuant to the BRE guide (Para. 2.1.8) which requires 1% for bedrooms. As such, the single bedroom would suffer from a poor standard of outlook with an oppressive surrounding and would also likely experience deficiencies in natural light, contrary to policies S29 of Westminster's City Plan (November 2016) and ENV 13 the UDP (January 2007), and would be contrary to policy 3.5 (Quality and Design for Housing Developments) of the London Plan (March 2016), chapter 2.3 (Para 34 - 35) of the Mayors Housing Supplementary Planning Guidance (March 2016) and paragraph 17 of the NPPF.

Other matters raised by Environmental Health and neighbouring occupiers are addressed further in this report.

## **8.2 Townscape and Design**

The proposed external alterations comprise changes to the fenestration on the south elevation (projecting element into the rear open courtyard), comprising the installation of a door, window and small excavated entrance courtyard, plus the installation of rooflights in the flat roof and a single window facing into the internal service courtyard. Given the rear location of these changes, they will not be prominent in the townscape and are also not considered contentious in their own right on design terms.

## **8.3 Residential Amenity**

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause



unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan: Strategic Policies aims to protect the amenity of residents from the effects of development.

The proposed access to the new residential unit would be reliant upon an existing secure gate on Huntsworth Mews, that opens onto a small flight of steps down to the rear courtyard where the new front door and windows are proposed. This route would go directly passed the habitable room windows of a flat located at the same level, labelled on the submitted 'ground floor' site plans as a bedsitting room. Having an access that is wholly reliant on passing directly past these windows which are the only windows serving this unit according to the floor plans, is an infringement unduly impacts the amenity and privacy of this unit. This would be contrary to policies ENV13 of the UDP and S29 of the City Plan.

A neighbour has identified a potential conflict between the installation of rooflights serving the new dwelling and the use of the external terrace for a neighbouring property Flat 29. The roof currently has decking and a doorway provides access from flat No. 29 onto it. Notwithstanding this, the flat does not have rights of access onto the roof according to the applicant which has also been clarified by the Director of Ivor Court Freehold Limited in an email dated 25 September 2017. In any case, the rights of access are a private matter and given the proposed plans do not show the retention of decking it is assumed would be removed as part of the proposed development.

#### **8.4 Transportation/Parking**

Highways Officers have advised that the parking pressure in this area is below the 80% stress level and that the introduction of a single unit in this area without off-street parking or on-street parking restraint is not likely to increase the stress levels. Therefore on the basis of the Council's data and car ownership levels, with the addition of residential units in this location, any additional on-street parking generated can be absorbed into the surrounding street network. Therefore development is consistent with TRANS23 (B) and (D).

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

Given that the application relates to the creation of a single dwelling only, requirements such as creation of a level access would not be required in this instance.

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

##### **Environmental Health observations**

Environmental Health have raised additional concerns as listed above. These are addressed below;

Concerns regarding solar gain are acknowledged and a submission of this kind should provide further details of how this would be managed given the constraints of the site. This

is not however sustainable grounds to withhold planning permission given that such details could be sought through planning condition whilst an occupier could easily fix shades to these windows.

With regards to means of escape from the bedroom, the Environmental Health Officer advises that owing to the layout of the flat, showing a separation of the bedroom and main living space, a dedicated means of escape from the bedroom without having to pass through the living space would be required to satisfy building regulations in due course. Given the site curtilage does not include the basement utility core, it would not be possible to condition such a provision. In the event of permission being granted this would be raised in an informative although given that it is strictly a building control matter it cannot be raised as a reason for refusal.

With regards to ventilation, cooling and security for the bedroom, also having regards to the louvres serving plant within the courtyard, it is acknowledged that the dwelling may require some other means of cooling in hot weather. This is something however that could be perused at a later date if deemed necessary and it is not considered sustainable grounds to withhold permission.

With regards to concerns regarding thermal insulation and building materials, this goes beyond the remit of planning controls although it could be raised as an informative in the event of planning permission being granted.

### **Contamination**

The last use of the utility room was for the storage of oil tanks prior to the updating of the buildings central heating system. Officers have consulted with Environmental Health who have advised there is potential for oil leakage historically which would require investigation and remediation if necessary. This could be addressed through a pre commencement condition relating to remediation in the event of planning permission being granted.

### **Fire escape for Ivor Court**

A resident of Ivor Court has raised concerns with the refurbishments undertaken across the remainder of the building, and also to the impact of the conversion upon the fire escape route. The agent has responded to advise that the existing room has no function within the overall fire strategy for the building. Officers visited the site and could see no way in which the rooms conversion to a residential unit would effect current arrangements for fire safety in the building as a whole. In any case these concerns are primarily Building Control matters, and also relate to parts of the building which fall outside of the site curtilage.

### **Site Ownership**

A resident of Ivor Court has made comments regarding the particulars of the sale of the unit which may preclude access via the rear courtyard and Huntsworth Mews. The application is however assessed on the basis of the details provided. As sets out above the necessary notices have now been served under Certificate B of the application forms and the rights of access as pointed out is a private matter that is beyond the remit of this planning assessment.

## 8.8 London Plan

This application raises no strategic issues although the application raises issues relating to quality of accommodation which in accordance with policy 3.5 (Quality and Design for Housing Developments) of the London Plan (March 2016), chapter 2.3 (Para 34 - 35) of the Mayors Housing Supplementary Planning Guidance

## 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. In addition paragraph 17 of the NPPF, which relates to quality of accommodation is considered to be of particular relevance to this determination.

## 8.10 Planning Obligations

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

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floor space figures, the estimated CIL payment would be £15,600 for Westminster's CIL (£400 per square metre in the residential core area), and £1,950 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

## 9. BACKGROUND PAPERS

1. Application form
2. Response from The St Marylebone Society (x2), dated 10 June 2017 and 10 July 2017.
3. Response from EH Consultation, dated 22 September 2017.
4. Response from Highways Planning Manager, dated 7 August 2017.
5. Response from Highways Planning (Waste), dated 15 June 2017.
6. Email from occupier of 57 Ivor Court, Gloucester Place, dated 13 June 2017.
7. Email (x 2) from occupier of 25 Ivor Court, Gloucester Place, dated 25 June 2017 and 5 September 2017.
8. Letter from occupier of 67 Ivor Court, Gloucester Place, dated 4 July 2017.
9. Email from occupier of 133 Ivor Court (x2) , Gloucester Place, dated 18 September and 22 September 2017.
10. Email from Director of Ivor Court Freehold Limited, dated 25 September 2017.

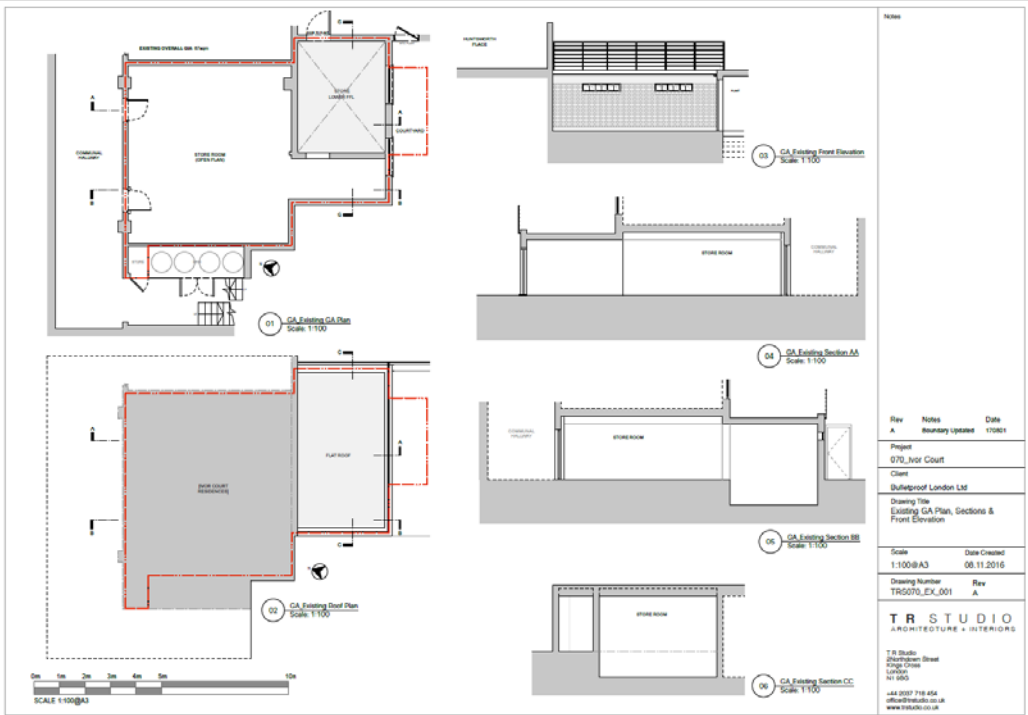
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

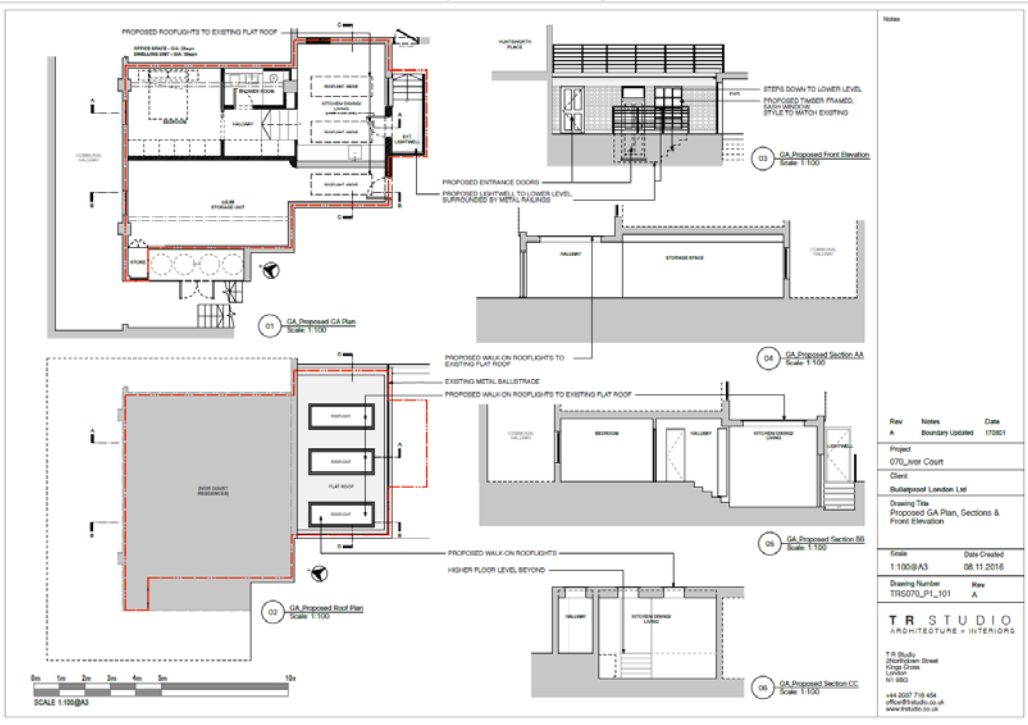
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10. KEY DRAWINGS

Existing floor plans and elevations



Proposed floor plans and elevations



**DRAFT DECISION LETTER**

**Address:** Ivor Court , Gloucester Place, London, NW1 6BJ

**Proposal:** Use of store room as residential flat (Use Class Class C3), creation of access steps to create new entrance into flat, installation of 3no. rooflights set within existing roof, proposed windows to replace existing fan lights, and associated works.

**Reference:** 17/04806/FULL

**Plan Nos:** TRS070\_EX\_000 A, TRS070\_EX\_001 A, TRS070\_EX\_101 A, ground floor and basement plan dated 1 August 2017, Planning Statement dated 1 June 2017, Design and Access Statement dated 1 June 2017

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

**Recommended Condition(s) and Reason(s)**

- Reason:
- 1 By virtue of the proposed residential units location and the highly enclosed bedroom, future occupiers would feel too shut in and would likely experience deficiencies in natural light. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007, and would be contrary to policy 3.5 (Quality and Design for Housing Developments) of the London Plan (March 2016), chapter 2.3 (Para 34 - 35) of the Mayors Housing Supplementary Planning Guidance (March 2016) and paragraph 17 of the NPPF.
- Reason:
- 2 The access to the proposed residential unit via an existing flight of stairs from Huntsworth Mews would lead to an unacceptable loss of privacy for people in the lower ground floor flat No. 17 facing into the rear courtyard. This is because the stairs and access pass directly next to their habitable room windows. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

**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, 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.

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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.