

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	43 Sussex Street, London, City Of Westminster, SW1V 4RJ		
Proposal	Alterations to balcony and staircase at rear ground floor level to create enlarged balcony terrace.		
Agent	Mrs Ana Agag		
On behalf of	Mrs Ana Agag		
Registered Number	17/03557/FULL	Date amended/ completed	27 April 2017
Date Application Received	26 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Refuse – impact on residential amenity.

2. SUMMARY

The application property is an unlisted building of merit within the Pimlico Conservation Area. The property is mid-terrace comprising lower ground, ground and two upper floors in use as a single family dwellinghouse. The rear elevation faces onto an enclosed space with neighbouring properties that front onto Westmoreland Place.

Planning permission is sought for alterations to the existing 'L' shaped balcony and spiral staircase at the rear ground floor level to create an enlarged terrace. It is proposed to extend the depth of part of the balcony to create an enlarged sitting area. It is also proposed to remove the existing spiral staircase and replace it with a parallel staircase adjacent to the boundary with Nos. 45 Sussex Street and Westmoreland Place. Part of the existing balcony will also be reduced in depth but overall the modifications sought would increase the size of the raised balcony from 7.44m² to 7.60m².

The key issue with this proposal is the impact of the enlarged balcony on the amenity of neighbouring residents.

Four letters of objection have been received from neighbouring residents mainly raising concerns on

amenity grounds from loss of privacy and overlooking and increased noise and disturbance.

It could be argued that the existing lawful raised balcony (it was approved in 20015) could be considered unneighbourly as it already allows views into neighbouring windows and gardens from the raised ground floor level. There are privacy screens along the boundary with the neighbouring properties however this does not fully eliminate overlooking. There are no screens on the terrace that currently prevent overlooking into the garden and rear windows of 16 Westmoreland Place. The existing balcony also generates noise and disturbance in what is a very enclosed space at the rear.

It is considered that the proposal would intensify the use of the balcony (it would make the balcony a more useable space) to the detriment of the residential amenity of neighbours through increased overlooking, noise and disturbance.

The enlarged balcony would intensify the sense of overlooking for the occupants of 16 and 18 Westmoreland Place and allow overlooking into the habitable room of 45 Sussex Street. It is accepted that the two windows that are overlooked in 18 Westmoreland Place are non-habitable, however, even enhanced views into a staircase and hallway window could be considered unneighbourly. Whilst some form of screening could be provided this would create additional bulk at high level and increase the sense of enclosure and affect daylight for affected neighbours. The impact on the adjoining property No. 41 Sussex Street is likely to remain the same in terms of overlooking as the existing vegetative trellis screening is to be retained.

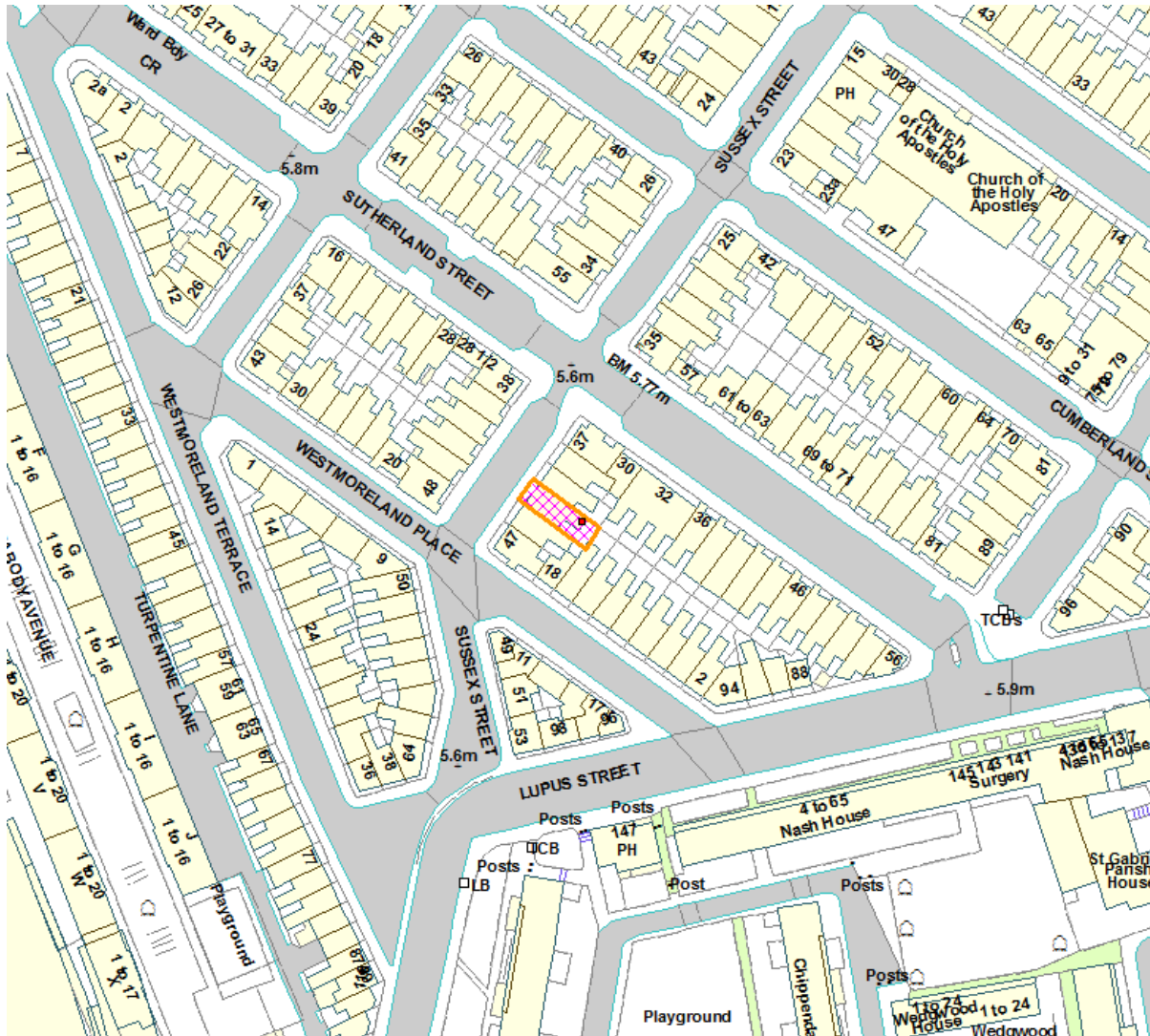
The enlarged balcony is also likely to result in more noise and disturbance for neighbours. The additional space will not only increase the attractiveness of the balcony for outdoor activities but also allow it to accommodate more people. The balcony is located at high level and noise and disturbance from its use will cause harm to the residential amenity of neighbours whose windows are located in very close proximity.

It is accepted that there are other roof terraces in the vicinity however these may be unlawful or historic. They are also located at a higher level than the current scheme and therefore have a different relationship with neighbouring properties. The current scheme is located in a very sensitive location and the rear of the property is almost fully enclosed by the rear elevations of neighbouring properties.

There are no objections to the scheme in design or conservation area terms. The proposal would be to the rear of the dwelling, the impact of the railings and vegetative screening would be discreet and would not be highly visible in the Pimlico Conservation Area. Therefore, the proposal would not detract significantly from the character and appearance of the Conservation Area and would be in compliance with the NPPF, strategic policies S25 and S28 in Westminster's City Plan, UDP policies DES 1, DES 5, DES 6, DES 9 and our SPGs 'Roofs' and 'Pimlico Conservation Area Audit'.

The proposal is therefore considered to be harmful to residential amenity through increased overlooking and noise and disturbance. This would be contrary to policies S29 of S32 of the City Plan and ENV 6 and ENV13 of the UDP.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front view



Rear view showing existing raised balcony

5. CONSULTATIONS

WESTMINSTER SOCIETY:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 4

No. of objections: 4

No. in support: 0

The objection letters that have been received raise the following concerns:

Amenity

- Overlooking and loss of privacy;
- Sense of enclosure;
- Loss of enjoyment of peace and quiet of the neighbouring dwellings and their gardens;
- Unencumbered rear view of a peaceful open stretch of pretty back gardens;
- Existing balcony was never to be a recreational area;
- Proposed expansion is of great concern due to the associated noise and activities from the dining, drinking and BBQ's;
- Screening would result in a loss of light from the north facing small and confined area and would not prevent the noise and disturbance;
- Loss of privacy to kitchen and garden and;
- It is observed that the applicants already have a full terrace on the roof which is very much in use and where they enjoy their outside space

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5.1 Recent Relevant History

05/04311/FULL

Erection of mansard roof, alterations including new balcony to rear ground floor and spiral stair between balcony and basement level courtyard.

Application Permitted on 13.09.2005

16/03018/FULL

Erection of mansard roof extension. Alterations to front lightwell including part enclosure and creation of external bin store under the basement stair landing; enlargement of doors to rear elevation at lower ground and ground floor levels, creation of a terrace at first floor level above the closet wing infill extension with associated external alterations.

Application Permitted on 14 June 2016

6. BACKGROUND PAPERS

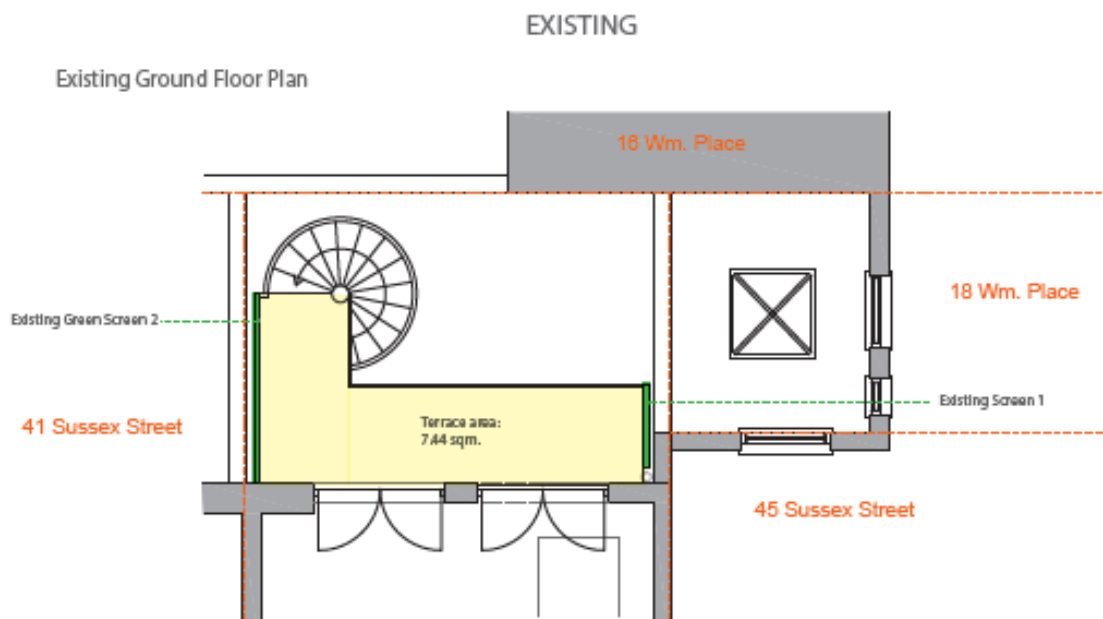
1. Application form
2. E-mail from Westminster Society, dated 9 May 2017
3. E-mail from occupier of 18 Westmoreland Place dated 14 September and 26 May 2017
4. E-mail from occupier of 41 Sussex Street dated 29 May 2017
5. E-mail from occupier of 45 Sussex Street dated 7 June 2017
6. E-mail from occupier of 16 Westmoreland Place, dated 4 June 2017

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

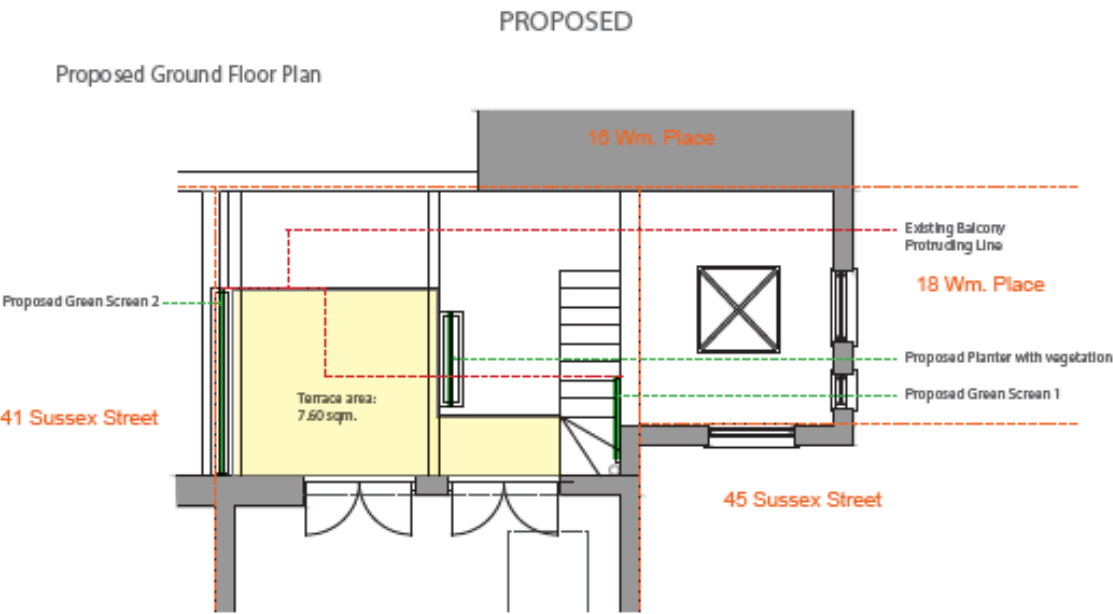
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

7. KEY DRAWINGS

Existing Ground Floor Plan

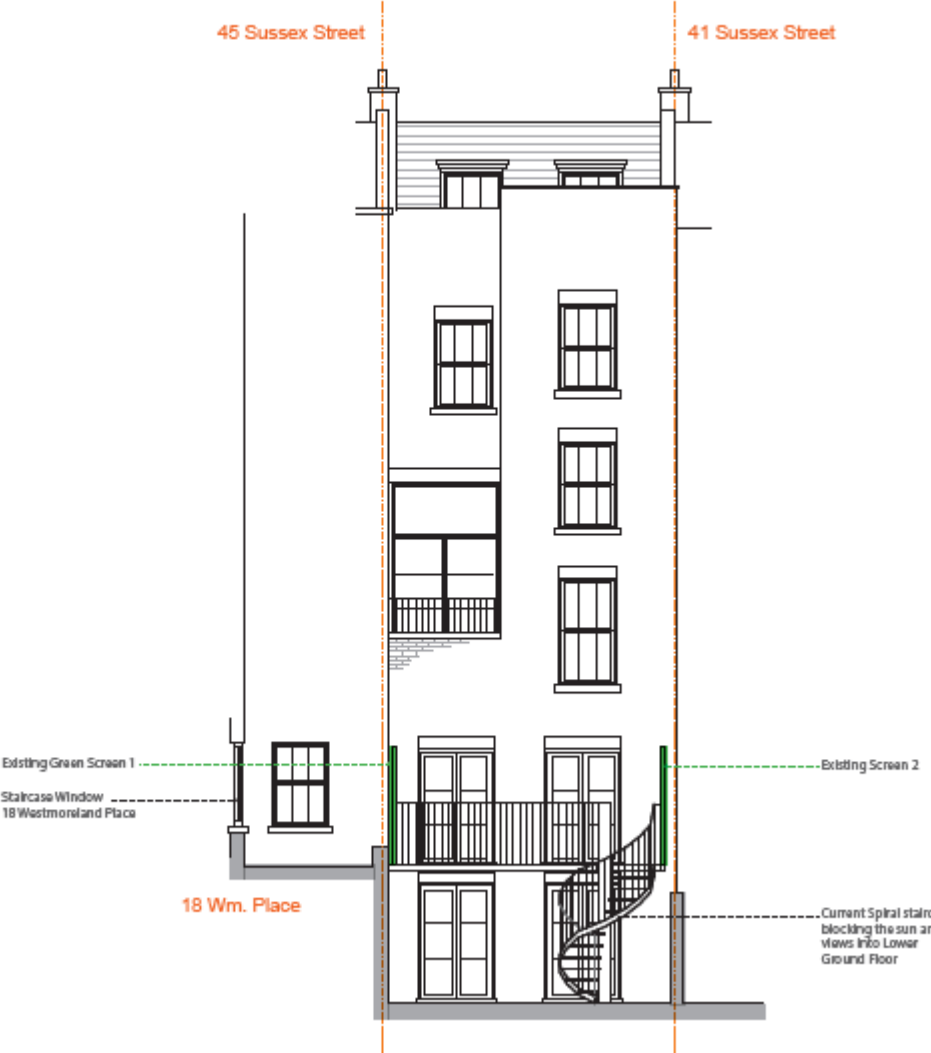


Proposed Ground Floor Plan

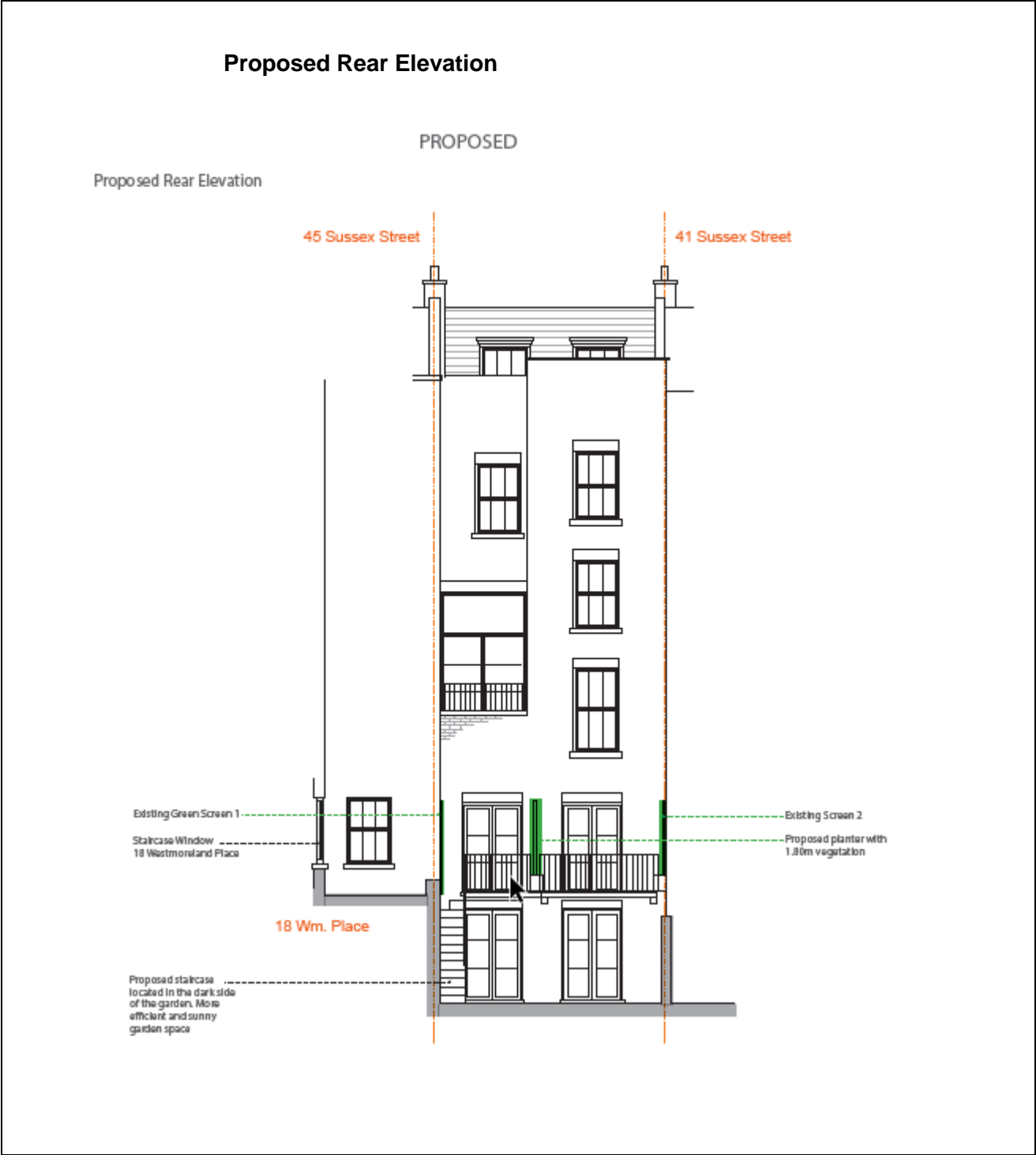


Existing Rear Elevation

Existing Rear Elevation



Proposed Rear Elevation



DRAFT DECISION LETTER

Address: 43 Sussex Street, London, City Of Westminster, SW1V 4RJ

Proposal: Alterations to balcony and stair at rear upper ground floor level to create enlarged balcony terrace.

Reference: 17/03557/FULL

Plan Nos: 01, 02, 03, 04, 05, 06 and 07 - revised pack received on 18/09/17, Design and Access Statement (for information only)

Case Officer: Nosheen Javed

Direct Tel. No. 020 7641

Recommended Condition(s) and Reason(s)

- 1 The enlarged balcony would result in overlooking and increased levels of noise and disturbance to surrounding residential properties. This would be contrary to policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV13 of our Unitary Development Plan that we adopted in January 2007.