

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 31 October 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>1 Balfour Place, London, W1K 2AR,</b>		
<b>Proposal</b>	External alterations to existing single dwelling house (Class C3) including roof level alterations, new half-height plant/access enclosures, , adjustment of existing means of escape, relocation of chimney, installation of new and replacement windows and doors to southern (front) and eastern (side) elevations, lowering of level of existing patio at ground floor level on eastern side of property, repair and refurbishment of balustrade railings at street level, replacement of existing metal staircases linking basement to street level and creation of roof terrace with railings and screen.		
<b>Agent</b>	Alistair Grills Associates		
<b>On behalf of</b>	Mr Peter Cruddas		
<b>Registered Number</b>	17/06598/FULL	<b>Date amended/ completed</b>	25 July 2017
<b>Date Application Received</b>	25 July 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

The application site is an unlisted building on the eastern side of Balfour Place at its junction with Aldford Street, within the Mayfair Conservation Area. The building comprises basement, ground and five upper floors and is in lawful use as a single family dwelling house.

Permission was granted on 19 July 2017 for alterations to the building and works are progressing on site. This application seeks permission for the same works but also proposes the creation of a roof level terrace, with a safety railing and a 1.8m high screen

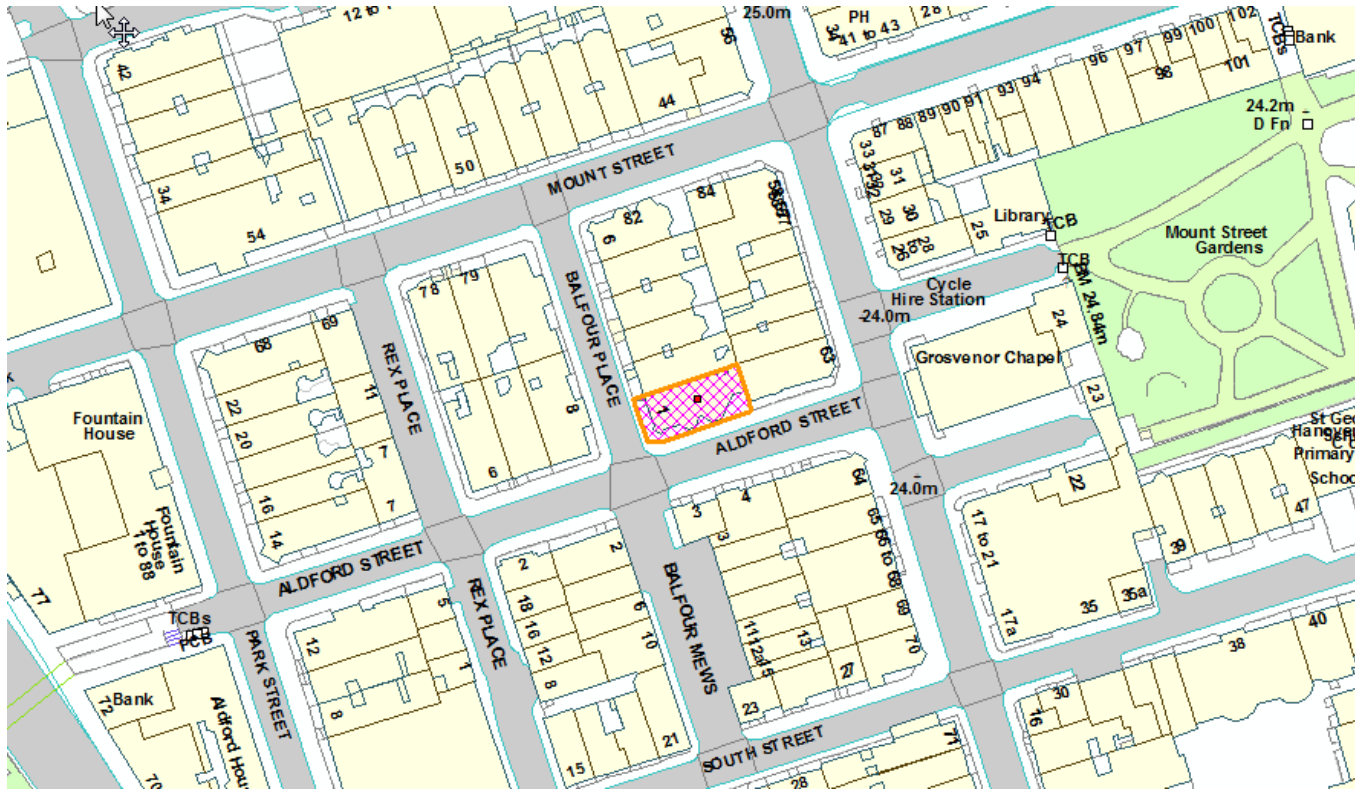
The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residents and

- The impact of the alterations upon the character and appearance of the Mayfair Conservation Area.

Objections have been received from neighbouring occupiers on amenity and design grounds. However, subject to conditions, the proposals are considered to comply with relevant Unitary Development Plan and City Plan policies and the application is therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

### RESIDENTS' SOCIETY OF MAYFAIR AND ST JAMES'S:

Any response to be reported verbally

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

Total No. of replies: 3

No. of objections: 3

No. in support: 0

3 letters of objection raising some or all of the following issues:

#### Amenity

- potential noise disturbance and light pollution resulting from the use of the terrace, particularly at night
- proposals contrary to previous restrictive condition to prevent the use of the roof for sitting out

#### Design/townscape

- adverse impact on the character and appearance of the conservation area

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

No. 1 Balfour Place is an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). The lawful use of the property, which comprises basement, ground and five upper floors, is as a single family dwelling house.

The surrounding area is mixed use in character comprising commercial offices, retail and residential uses. The nearest residential properties are adjacent at 2 and 3-4 Balfour Place, opposite on the upper floors of 7 and 8 Balfour Place and 3 and 4 Aldford Street and to the rear, on the upper floors of commercial premises in South Audley Street.

### 6.2 Recent Relevant History

#### 1 Balfour Place

19 July 2017: Permission was granted for "Alterations including roof level alterations comprising of stair enclosure, relocation of water tank, means of escape and chimney, installation of new and replacement of existing windows and doors to southern (front) and eastern (side) elevations, lowering the level of the existing patio at ground floor level on the eastern side and planting of green/living wall to the eastern party wall and replacement of existing metal staircase from basement level to street level"



The original application included proposals for the creation of a roof level terrace. These works were subsequently omitted from the scheme following an objection from the occupiers of 2 Balfour Place and a condition was imposed to prevent access to the roof other than for maintenance or means of escape purposes. The reason for this condition was to safeguard neighbour's privacy and environment.

The scheme also proposed the installation of a living wall in the rear courtyard, in place of existing planters and trellis. A condition was imposed requiring the submission of details (construction and planting) of the new living wall.

A further condition (condition 6) required the submission of detailed drawings to show work to a stained glass window. An application to discharge this condition was approved on 31 July 2017.

## **2 Balfour Place**

Permission was granted in 2014, renewed in September 2017, for the erection of a fifth floor roof extension to existing dwelling house incorporating rear terrace, new rooflight, tank enclosure, roof level railings, relocation of plant to main roof and reconfiguration of the means of escape. Not implemented.

## **7. THE PROPOSAL**

Planning permission is sought for the external alterations to building including roof level alterations, new half-height plant/access enclosures, reconfiguration of existing means of escape, and relocation of chimney; installation of new and replacement windows and doors to southern (front) and eastern (side) elevations, lowering of level of existing patio at ground floor level on eastern side of property, repair and refurbishment of balustrade railings at street level and replacement of existing metal staircases linking basement to street levels. These are the same works as previously approved. In addition the applicants also propose to create a roof level terrace with a balustrade railing and a 1.8m high screen (which is described as an acoustic and privacy screen) on the boundary with 2 Balfour Place.

The previous scheme proposed the erection of a living wall to the rear courtyard. The applicants have now confirmed their intention retain the existing planting and trellis in this area..

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The application does not raise any land use issues.

### **8.2 Townscape and Design**

The existing building of six storeys plus basement is considered to make a positive contribution to the character and appearance of the conservation area. It dates from 1895-7 and is by Eustace Balfour and H. Thackeray Turner. It forms part of the terrace of buildings (1-6 Balfour Place and 82 Mount Street) and is in a free Anglo-Dutch style in red brick with stone dressings.

The roof level is partially hidden by shaped gables. Public views of the roof are limited to long views from South Street. There are few private views of the roof from other buildings due to the relative height of the application building to its neighbours.

An objection has been received on the grounds that the proposed roof level alterations including the railings and the zinc clad wall, timber panels and water tanks extending above the existing roof level are visually intrusive and would fail to preserve or enhance the character and appearance of the conservation area.

The proposed alterations are largely as previously approved, including the zinc clad wall to the roof level stair enclosure. The new roof level railings are traditional in terms of their materials and detailed design and will, in any event, not be visible in the majority of views.

The top edge of the metal privacy screen will be visible in the South Street view. But it is not considered that this would detract from the appearance of the building or the character and appearance of the conservation area. It is noted that 2 Balfour Place has permission for the erection of a roof extension. If this is constructed, both the privacy screen and railing will appear against the backdrop of the flank wall of the new mansard storey.

The attractive wrought iron railings to the basement light well are in a style which is entirely appropriate to the age and detailing of 1 Balfour Place. It is noted that the drawings, while annotated to show their retention, depict a different set of railings. For the avoidance of doubt, an amending condition is proposed which requires retention of the existing railings. The proposed simple railings to the raised garden terrace are acceptable.

The scheme is considered acceptable in the context of adopted design and townscape policies and it is not considered that the objection could be supported.

### **8.3 Residential Amenity**

Objections have been received from the occupants of three flats at 3-4 Balfour Place on the grounds that use of the proposed roof terrace would result in unacceptable noise disturbance and light pollution to neighbouring residents, particularly late at night. One objector considers that the proposed 1.8M high screen, which is referred to as a privacy and acoustic screen, would be unlikely to provide effective noise attenuation.

One neighbouring resident has also referred to a condition on the original permission which prevents the use of the roof for sitting out in order to safeguard the privacy and environment of neighbouring occupiers, referring to adopted policies ENV 13 and ENV6.

There are two bathroom windows in the flank wall to the existing roof extension at 3-4 Balfour Place. These windows overlook the roof of 2 Balfour Place towards the roof of the application premises. Records indicate that secondary windows on the floors beneath which look out onto a lightwell between 3-4 Balfour Place and 2 Balfour Place serve



bathrooms and a kitchen. The roof level extension to no. 3-4 Balfour Place benefits from a small integral terrace to the rear and a similar arrangement was approved as part of the recent permission for the roof extension to no. 2.

Although the occupiers of 2 Balfour Place objected to the previous application for alterations to the application premises, including the roof terrace originally proposed, this objection was conditional, depending on whether they commenced the construction of their roof extension. They have not objected to the current application.

### **Noise/Light pollution**

The proposed roof terrace is smaller than that which was originally proposed as part of the approved scheme and measures approximately 26 m<sup>2</sup>. It is set towards the centre of the roof, back from the roof edges. There is potential for the 1.8m high boundary screen to provide some noise attenuation. However, even without an acoustic screen, given the relationship between the proposed terrace and neighbouring residential windows it is not considered that the use of this domestic terrace would result in significant noise disturbance to neighbouring occupiers. It is noted that both of the neighbouring properties in Balfour Place have, or have permission to create, external terraces, albeit smaller than the one proposed.

In addition it is not considered that any lighting associated with the night time use of the terrace, which is set away from neighbouring windows, or screened from bathroom windows at 3-4 Balfour Place, would result in significant light pollution to the detriment of neighbours' amenities.

Consequently, it is not considered that the proposals could justifiably be recommended for refusal on noise or light pollution grounds.

### **Overlooking**

A condition was imposed to prevent the use of the roof of the building for sitting out. One of the reasons for the condition was to protect neighbours' privacy. However, this condition was imposed, on the basis that proposals to create a roof terrace had been withdrawn. The decision to omit the roof terrace was made by the applicant to address the objection from the occupiers of 2 Balfour Place. There is no suggestion, in imposing this condition, that some form of roof terrace would not be acceptable in principle.

Given the relationship of the proposed terrace with neighbouring residential windows and in particular in view of proposals to erect a privacy screen, it is not considered that the scheme would result in any loss of privacy to flats at 3-4 Balfour Place or to residential windows in other neighbouring properties.

### **Daylight/sense of enclosure**

Given the relationship of the proposed privacy screen to neighbouring windows, including bathroom windows at 3-4 Balfour Place, it is not considered that erection of a 1.8m high screen on the boundary between 1 and 2 Balfour Place would result in a material loss of light or increased sense of enclosure to neighbouring windows.

In view of the above, notwithstanding the previous restrictive condition the proposals are considered to comply with policies ENV 13 of the UDP and S29 of Westminster's City Plan and the objections cannot be supported.

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

Transport and parking arrangements remain unchanged.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The access arrangements to the dwelling will remain unchanged.

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

##### **Biodiversity**

The original permission proposed the replacement of existing planters/trellis in the rear courtyard with a living wall. A condition was imposed on the original permission requiring the submission of construction details and a management and planting regimes for the planted wall. However, the applicants now intend to retain the existing courtyard planters and trellis. There is no objection to this amendment.

##### **8.7 London Plan**

This application raises no strategic issues.

#### **8.8 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.

#### **8.9 Planning Obligations**

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

The proposal is not CIL-liable.

#### **8.10 Environmental Impact Assessment**

The scheme is of insufficient scale to require an Environmental Impact Assessment.

#### **8.11 Other Issues**

None

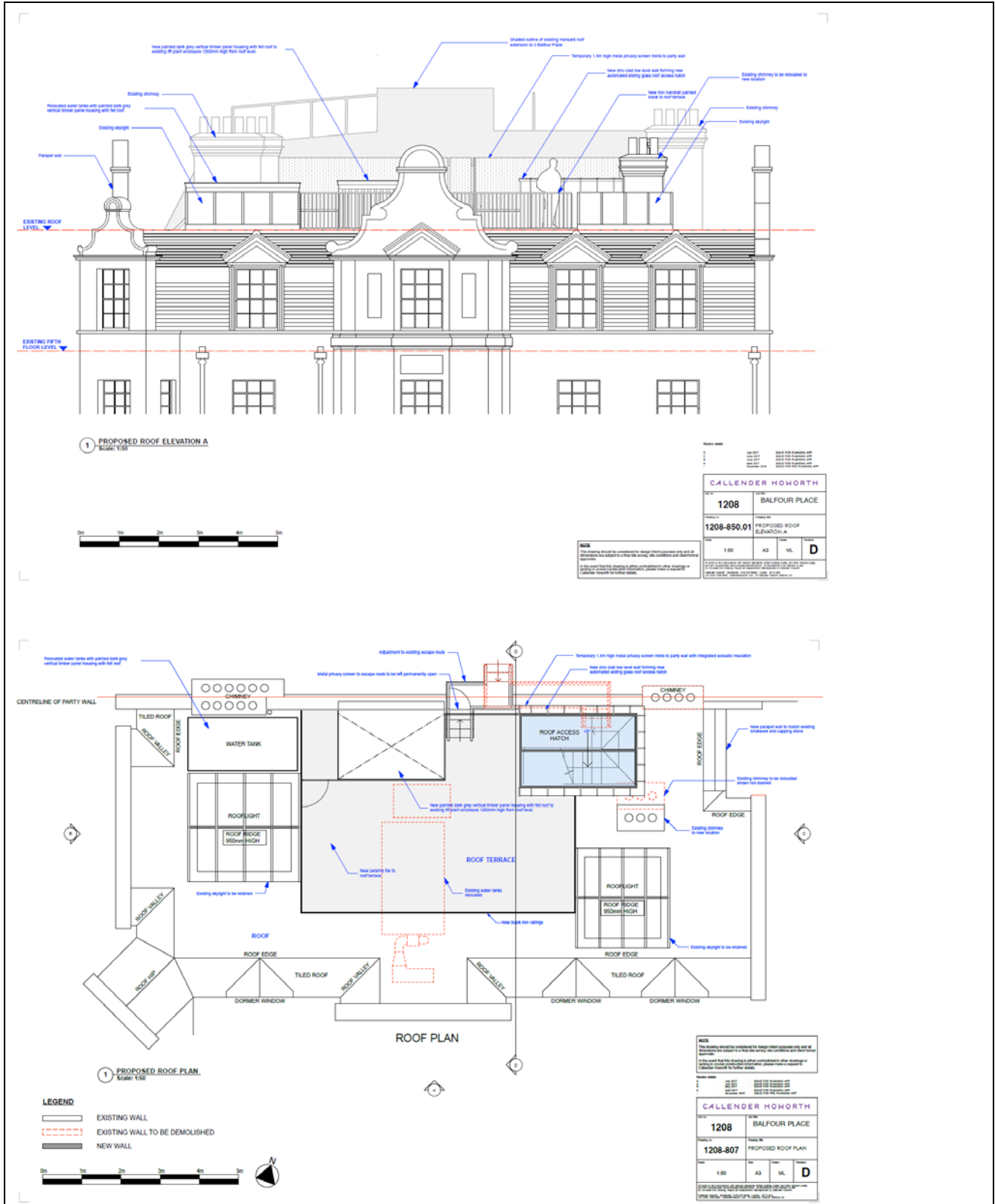
### **9. BACKGROUND PAPERS**

1. Application form
2. Letter from occupier of Flat C, 3-4 Balfour Place, dated 1 September 2017
3. Letter from occupier of Flat F, 3 - 4 Balfour Place, dated 11 September 2017
4. Letter from occupier of Flat A, 3-4 Balfour Place, dated 5 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: SARA SPURRIER BY EMAIL AT [sspurrier@westminster.gov.uk](mailto:sspurrier@westminster.gov.uk)

10. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** 1 Balfour Place, London, W1K 2AR,

**Proposal:** External alterations to existing single dwellinghouse (Class C3) including roof level alterations, new half-height plant/access enclosures, , adjustment of existing means of escape, relocation of chimney, installation of new and replacement windows and doors to southern (front) and eastern (side) elevations, lowering of level of existing patio at ground floor level on eastern side of property, repair and refurbishment of balustrade railings at street level, replacement of existing metal staircases linking basement to street level and creation of roof terrace with railings and screen.

**Reference:** 17/06598/FULL

**Plan Nos:** 1208-800 REV A, 1208-801 REV A, 1208-802 REV A, 1208-803 REV A, 1208-806 REV A, 1208-807 REV D, 1208-850.01 REV D, 1208-850.02 REV A, 1208-850.03 REV B, 1208-851.01 REV C, 1208-851.02 REV C, 1208-851.03 REV C, 1208-852.01 REV A, 1208-852.02 REV A

**Case Officer:** Shaun Retzback

**Direct Tel. No.** 020 7641 6027

**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:
  - 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 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)
- 4 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)
- Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)
- 5 Notwithstanding the railings shown in drawings 1208-851.01 REV C, 1208-851.02 REV C and 1208-851.03 REV C the existing railings at street level must be retained.
- Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)
- 6 You must carry out works to the stained glass window in accordance with the details approved by the City Council on 31 July 2017 (17/06609/ADFULL), unless otherwise approved by the City Council.
- Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)
- 7 The privacy screen must be erected prior to the use of the roof terrace and permanently retained

thereafter.

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

**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.
- 2 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

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.