

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Penthouse 41, 35 Buckingham Gate, London, SW1E 6PA,		
Proposal	External alterations to the form, glazing and cladding at fifth floor level; and erection of extension and formation of terrace at roof level to provide additional residential accommodation in connection with Flat 41.		
Agent	Rob Hughes		
On behalf of	Mr Richard Fry		
Registered Number	17/07529/FULL	Date amended/ completed	22 August 2017
Date Application Received	22 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Birdcage Walk		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

35 Buckingham Gate is a post war building comprising ground and part five/part six upper floors. Permission is sought for external alterations to the form, glazing and cladding of the top floor flat at rear fifth floor level and the erection of an extension and terrace above at sixth floor roof level.

A similar application was refused in November 2015 on design and amenity grounds in relation to the sixth floor extension and terrace. A subsequent appeal was dismissed in June 2016 on design grounds only. Following this refusal, planning permission was granted for external works to the fifth floor glazing and cladding, which is similar to that now proposed at this level. The current application therefore seeks to respond to the refused scheme, by refining the design and reducing the height and bulk of the proposed sixth floor extension. The proposed terrace has been set back and a privacy screen provided.

The key issues in this case are:

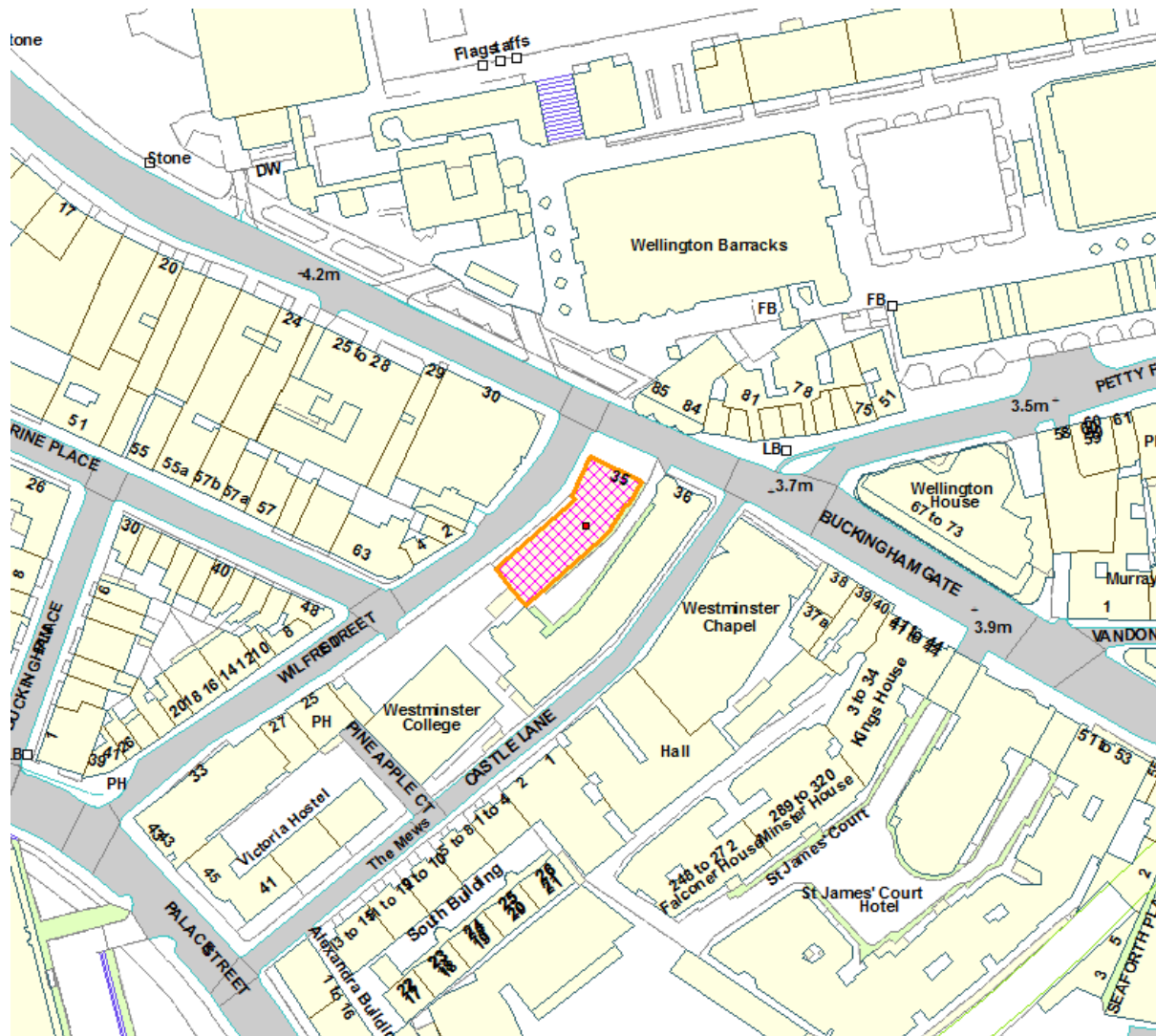
* The impact of the proposals upon the character and appearance of the building and the Birdcage Walk Conservation Area; and

Item No.
4

* The impact of the proposals on neighbouring residential amenity.

The proposals are considered acceptable and are in line with the policies set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



35 Buckingham Gate

5. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 96

Total No. of replies: 6

No. of objections: 6

No. in support: 0

Objections have been received on some or all of the following grounds:

Design:

- The proposed roofline and bulk would be detrimental to sightlines and the appearance of the building and conservation area.

Amenity:

- Sense of enclosure and overlooking to 36 Buckingham Gate
- Overlooking/loss of privacy to the new development at 6 Castle Lane.

Other:

- The drawings are ambiguous.
- Potential for loss of a right of way/ means of escape for those living at 36 Buckingham Gate, over and along the roof of no.35.
- The planning statement suggests that consultation with the management committee at 36 Buckingham Gate has taken place, which is inaccurate.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

35 Buckingham Gate is an unlisted building located within the Birdcage Walk Conservation Area and the Core Central Activities Zone. The site is a post war building comprising ground and part six/part five upper storeys and is divided into flats. The application relates to the rear fifth floor penthouse, which occupies the roof extension over the rear wing of the block which fronts Wilfred Street.

6.2 Recent Relevant History

Planning permission was refused in November 2015 for external alterations at fifth floor level including the formation of a balcony to the Wilfred Street frontage and the erection of a single storey extension at sixth floor level with roof terrace on the grounds that the height and design of the sixth floor extension would be harmful to the character and appearance of the conservation area; and that the new roof terrace would lead to an

unacceptable loss of privacy and potential for noise disturbance for people in neighbouring properties.

An appeal was subsequently dismissed in June 2016 on design grounds. The inspector concluded that the development could be amended so as not to harm the living conditions of neighbours, but that it would unacceptably harm the character and appearance of the conservation area.

In April 2016 permission was granted for external alterations to the form, glazing and cladding of the penthouse flat at fifth floor level with the formation of balcony to Wilfred Street frontage. An amending condition was attached for the projecting balcony to be omitted and the glass balustrade set back behind the line of the facade.

7. THE PROPOSAL

Planning permission is sought for external alterations to the form, glazing and cladding at fifth floor level and the erection of an extension and terrace above at sixth floor roof level.

The works to the fifth floor are similar to that granted permission in April 2016. This application seeks to respond to the June 2016 refused scheme by refining the design and reducing the height and bulk of the proposed sixth floor extension and terrace.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	151.9	217.5	+65.6
Total	151.9	217.5	+65.6

8. DETAILED CONSIDERATIONS

8.1 Land Use

The extension would enlarge the existing fifth floor flat. In land use terms the creation of additional residential floorspace is considered acceptable in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

8.2 Townscape and Design

The existing fifth floor flat reflects a mansard form but with glass panelled elevations and a solid roof. It is proposed to replace the existing raked profile with a vertical wall placed close to the existing parapet with openable and fixed glazed panels and opaque and insulated panels. The proposed roof will be no taller than existing, but its form will be slightly more visible, however, this is unlikely to significantly impact upon the appearance of the building or conservation area. The proposed works are similar to that granted permission in April 2016, however, the balcony to Wilfred Street previously proposed has

been removed which is welcomed. These works are therefore considered acceptable in design and conservation terms.

The proposed extension and terrace at sixth floor level seek to respond to the June 2016 refused scheme. The height and bulk of the extension has been reduced and the design simplified to reflect the character of the building below.

Policy DES 6 of the UDP restricts the erection of further storeys where the host building is a completed composition and this in part lead to the Council's objection to the previous scheme. However, guidance contained within policy must be aligned with any potential harm that the works would cause. In determining the appeal scheme, the Inspector did not specifically rule out the erection of a sixth storey, but instead focussed on the design of the proposals.

The proposed extension is set in from the edges of the roof and is considered to be agreeable to the character of the floors below. The simple nature of the building has been respected and whilst the proposals are a further storey, in this instance the revised and simplified design is not considered harmful. The design provides a simple roof to the host building, especially in views from the south west down Wilfred Street, and would be mostly hidden in views from the north east. The massing mentioned by the Inspector has been reduced and is no longer considered to provide 'disproportionate bulk'. The proposed privacy screen to the terrace will be a simple opaque glass screen and is not considered objectionable.

The height, form and detailed design of the proposed roof extension and terrace is therefore considered acceptable in design and conservation terms, subject to conditions.

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.

Objections have been received from residents within 36 Buckingham Gate on the grounds that the proposal will result in overlooking and an increased sense of enclosure.

There is existing mutual overlooking between the flats in the application property and 36 Buckingham Gate across a shared lightwell between the two blocks of flats. The proposed rebuilding of the fifth floor will be the same as that approved in June 2016, which sought to resolve existing privacy issues with opaque glazed cladding panels to the kitchen area at fifth floor level which is the nearest part of the penthouse structure to living room windows in 36 Buckingham Gate. It is recommended that this be secured by condition.

The refused scheme included a roof terrace which was refused on amenity grounds as it was considered that the proposals would lead to an unacceptable loss of privacy and potential for noise disturbance for people in neighbouring properties. However, the inspector disagreed with this refusal reason stating that "...a raised planter and a 1.7m high obscured glazed screen could be incorporated to the south-east side of the terrace

to prevent overlooking and help to mitigate any noise or disturbance. Secondly, the terrace could be reduced in width by 1.5m to move the living area further away from the nearest neighbours. In my view, these amendments would be sufficient to overcome the concerns regarding unacceptable harm to the living conditions of neighbours at No 36”.

In response, the applicant has reduced the width of the proposed terrace, setting it in approximately 2.1m from the boundary closest to 36 Buckingham Gate and incorporating a 1.75m high opaque glass screen to protect the privacy of residents in No.36. No windows are proposed in the sixth floor extension in the elevation facing 36 Buckingham Gate. Further, it is considered that the proposals are at a sufficient distance (approx. 9.6m) from the large windows in the development currently being built at 6 Castle Lane and would not cause a material loss of privacy to this development. Accordingly, it would not be sustainable to refuse the application for loss of privacy or potential for noise disturbance.

In terms of enclosure, given the bulk of the existing building and that the proposed extension would be set back from the façade nearest 36 Buckingham Gate by approx. 2.1m, it is considered that the proposals would not result in a significant increase in enclosure to residents within No.36. Indeed, the inspector agreed that the larger extension refused in the appeal scheme would be “...sufficiently set back from the edge of the south-east façade of No 35 to ensure that it would impinge little, if at all, on sightlines to the sky from the lower levels of No. 36”.

The applicant has re-submitted the daylight impact assessment relating to the refused scheme, which shows that any losses in daylight would have been within acceptable parameters. The scale and massing of the current proposals is less than previously proposed and accordingly it is considered that they would not result in any significant loss of light to surrounding residential properties.

Overall, it is considered that the proposals would meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. The proposals are therefore acceptable in terms of amenity.

8.4 Transportation/Parking

The proposals would not have a material impact on traffic generation or on-street parking pressure in this area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The application does not propose any alteration to the existing means of access to this private residential dwelling.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

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

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

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

8.11 Environmental Impact Assessment

This application is not a sufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

Concern has been raised by residents within 36 Buckingham Gate that the proposal may result in the removal of a right of way/ means of escape over the roof of number 35 for those living at 36 Buckingham Gate. This is a private matter between the two buildings and it would not be reasonable to withhold planning permission on these grounds.

9. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 7 September 2017
3. Letter from developer of 6 Castle Lane, dated 5 September 2017
4. Letter from occupier of Flat 18, 36 Buckingham Gate, dated 5 September
5. Letter from HML Hawksworth, dated 6 September
6. Letter from occupier of Flat 19B, 36 Buckingham Gate, dated 7 September 2017
7. Letter from occupier of Flat 19B, 36 Buckingham Gate, dated 7 September 2017
8. Letter from occupier of Flat 20, 36 Buckingham Gate, dated 19 September 2017
9. Applicant Responses to Objections, dated 28 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: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

KEY DRAWINGS

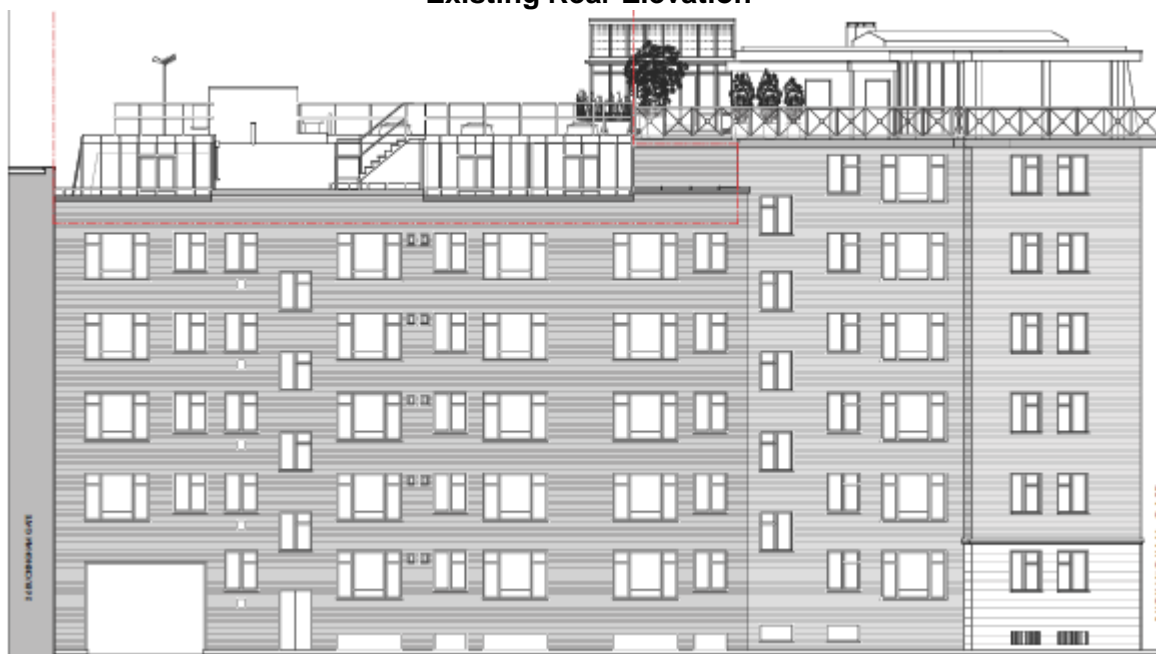
Existing Front Elevation



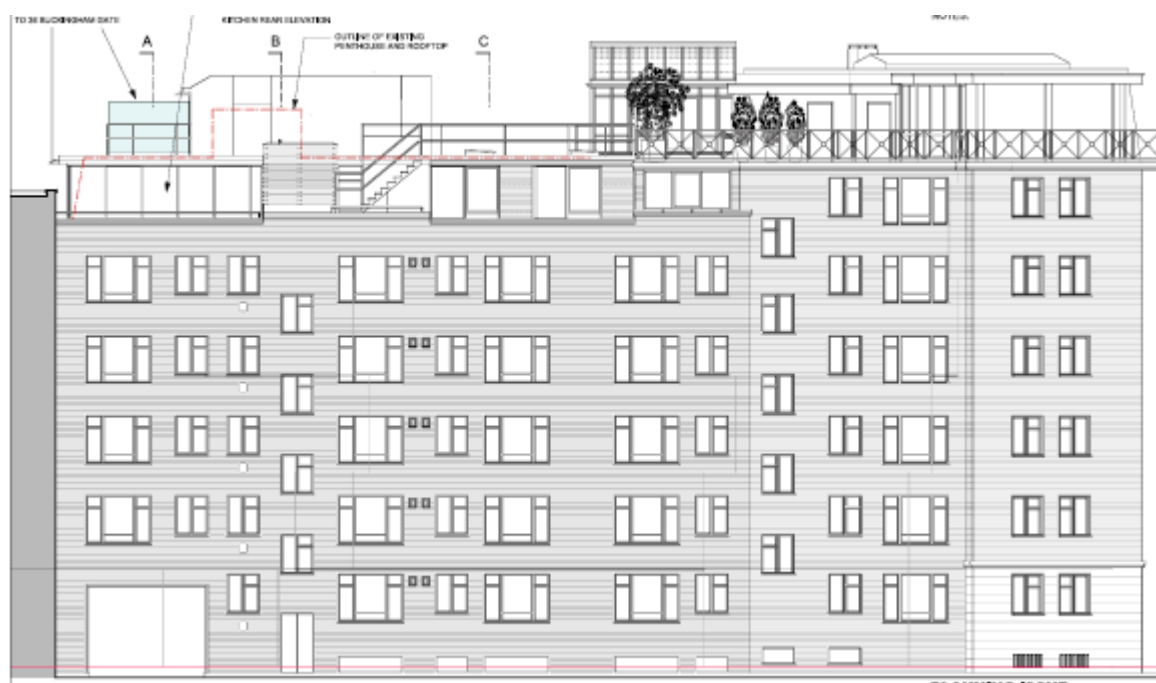
Proposed Front Elevation



Existing Rear Elevation



Proposed Rear Elevation



[illegible]

Architectural floor plan of 35 Burlington Gate, Flat 1, showing proposed alterations. The plan includes a large rear extension with a flat roof, a new kitchen/dining area, a bathroom, and a master bedroom. Annotations specify structural changes like wall removals, window openings, and roof extensions. A north arrow is located in the bottom left corner.

[illegible]

REAR ELEVATION WALLS WITH PLASTER

PLANT ROOM ENCLOSURE WITH GLAZING

DECK SOLID ALIGNED WITH EXISTING PARAPET WALL BELOW

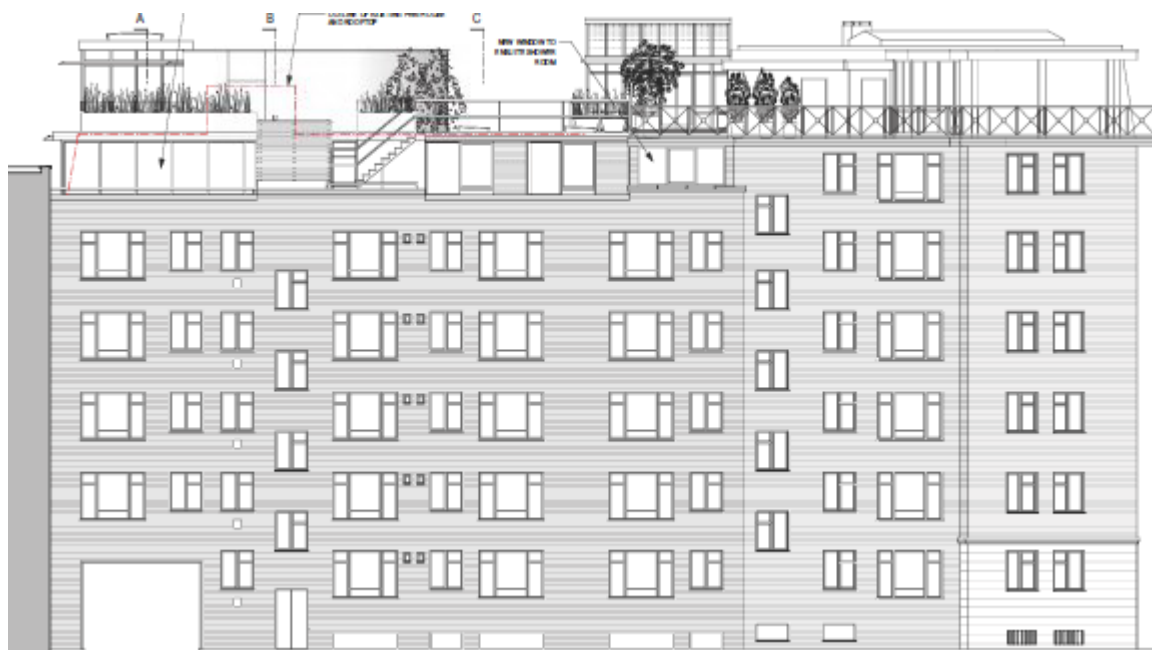
EXISTING PARAPET WALL

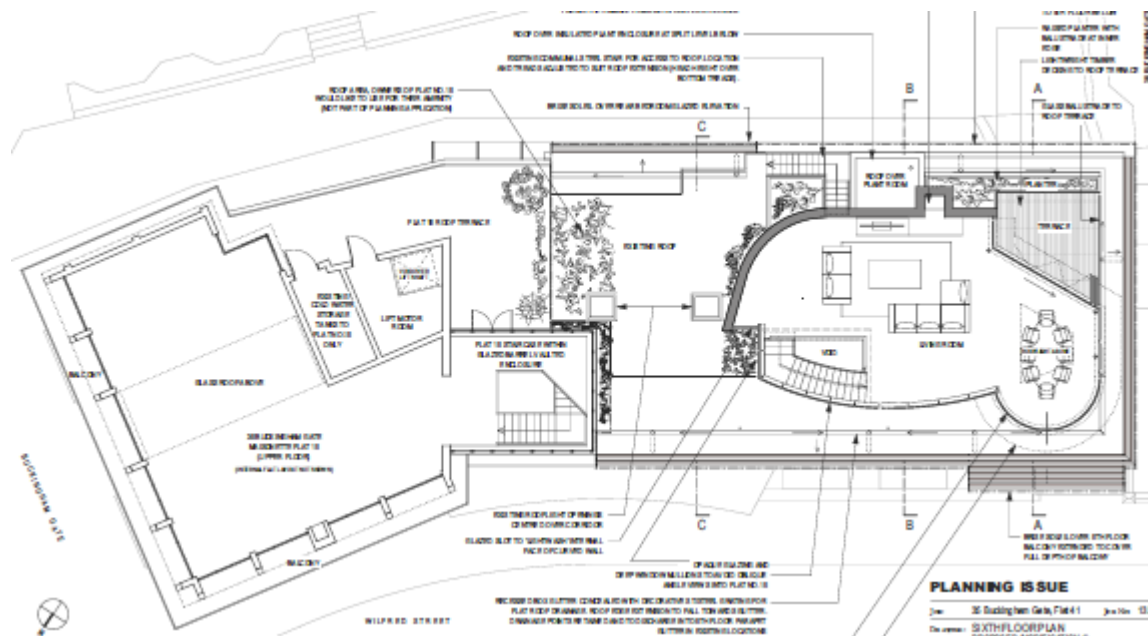
EXISTING STAIRLAND UP TO OVERHEAD ENCLOSURE

BEDROOM

BATH

FLOORING DATE

Front Elevation – REFUSED SCHEME (15/08515/FULL)**Rear Elevation – REFUSED SCHEME (15/08515/FULL)**



DRAFT DECISION LETTER

Address: Penthouse 41, 35 Buckingham Gate, London, SW1E 6PA,

Proposal: External alterations to the form, glazing and cladding at fifth floor level; erection of extension and formation of terrace a roof level.

Reference: 17/07529/FULL

Plan Nos: Site Location Plan; D101 Rev. A; D102 Rev. B; D103 Rev. A; D104 Rev. A; D105 Rev. A; D106 Rev. A; D 107 Rev. A; D108 Rev. A; D109 Rev. A. , , For information purposes: Planning Statement dated August 2017; Appendix C - GIA Daylight Report dated August 2015; 3D1 Rev. A; 3D2 Rev. A; 3D3 Rev. A; 3D4 Rev. A; 3D5 Rev. A; 3D6 Rev. A; 3D7 Rev. A; 3D8 Rev. A; 3D9 Rev. A; 3D10 Rev. A; 3D11 Rev. A; 3D12 Rev. A; 3D13 Rev. A; ,

Case Officer: Ian Currie

Direct Tel. No. 020 7641 1448

Recommendation and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed in the 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 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.

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Schedule S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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 Birdcage Walk 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 submit a schedule of materials to be used on the extension, which are cross referenced to the approved elevations. The schedule should include photographs of each material. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the works according to the approved details and they shall be permanently maintained thereafter.

Reason:

To protect the privacy and environment of people in neighbouring properties; and 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 Birdcage Walk Conservation Area. This is as set out in S29, S25 and S28 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, 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 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development: , i) Roof construction, including the eaves detailing, ii) Windows and external doors, iii) Design and relationship/ connection of the terrace balustrade to the existing railing, , You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

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 Birdcage Walk 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 apply to us for approval of a sample of the glass (at least 300mm square) for: , * the privacy screen to the terrace; and , * the opaque glass panels at fifth floor level in the south east elevation. , , You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB), , ,

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)

- 7 With the exception of the terrace shown on drawing No. D103/A you must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

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)

- 8 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 Birdcage Walk 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)

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 or visit www.ccscheme.org.uk.
- 3 This permission does not permit any plant or machinery.

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.