

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 06 February 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>	28 Hill Street, London, W1J 5NW		
<b>Proposal</b>	Erection of rear extension at 1st floor level and enlargement of terrace with associated alterations, for use in association with dwellinghouse (Class C3).		
<b>Agent</b>	URBANAUTS		
<b>On behalf of</b>	Dr Khalid Bin Thani Al Thani		
<b>Registered Number</b>	17/09011/FULL	<b>Date amended/ completed</b>	10 October 2017
<b>Date Application Received</b>	10 October 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Refuse permission – design and conservation

## 2. SUMMARY

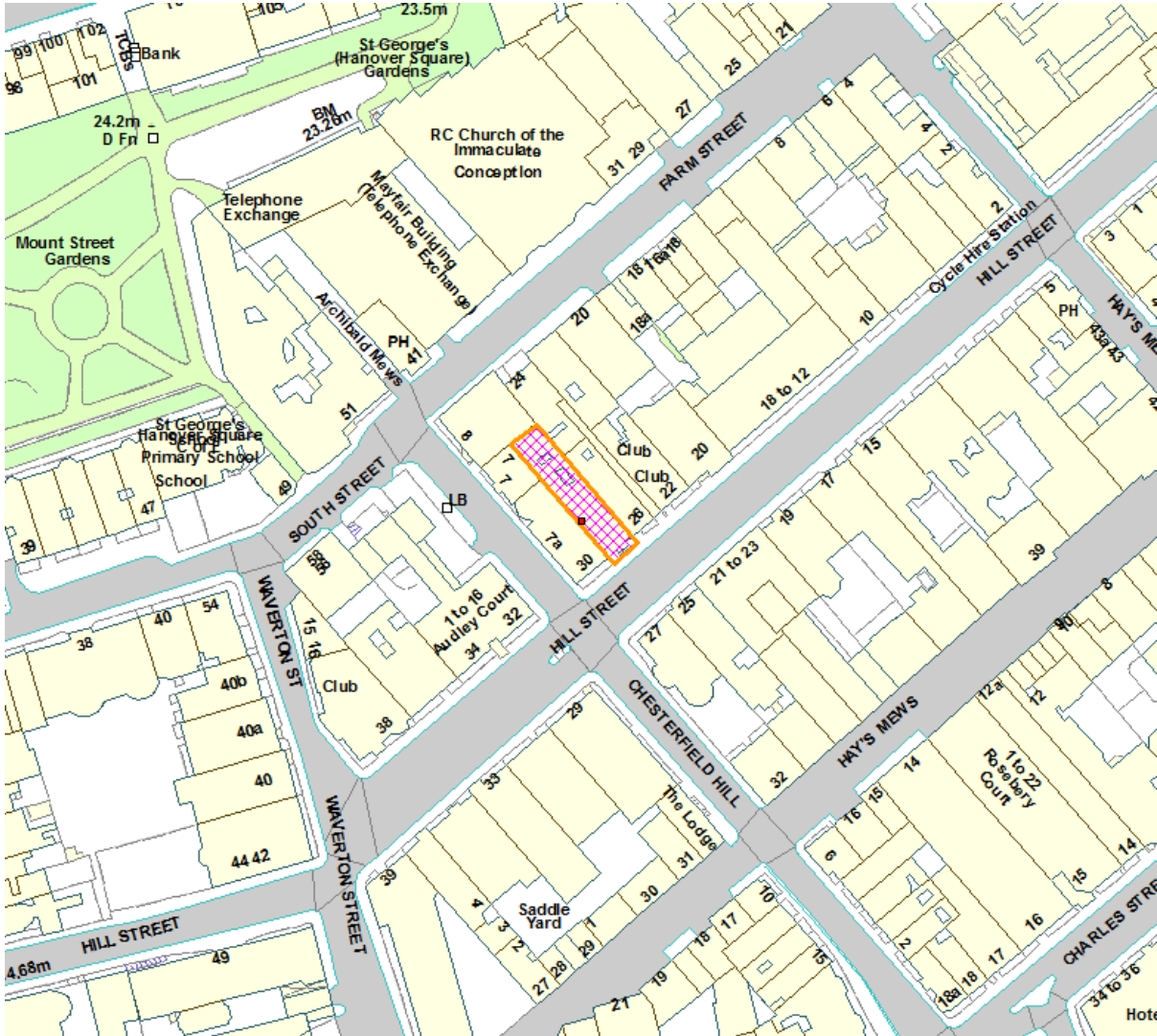
The application site is located in the Core Central Activities Zone (Core CAZ) and consists of lower ground, ground and first to fifth floors. Permission has been granted for use of the property as a single family dwelling, which is currently being implemented.

The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residential properties, and
- The acceptability of the proposals upon the appearance of the building, the setting of listed buildings, and the character and appearance of the conservation area.

While there are some losses in sunlight to one of the surrounding properties, it is not considered that this will be materially harmful to the amenity of any future occupant. There are also losses in daylight that are likely to be noticeable; however, the losses are modest and not considered to be materially harmful. The height, bulk and design of the proposed extension would harm the appearance of this building, its architectural relationship with adjacent buildings and would fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. It would also harm the setting of the adjacent listed building at 26 Hill Street. For these reasons, it is recommended that permission be refused.

**LOCATION PLAN**



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**3. PHOTOGRAPHS**



#### 4. CONSULTATIONS

##### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

##### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 17

Total No. of replies: 3

No. of objections: 3

Three objections have been received (two from/on behalf of the same person) covering some or all of the following grounds:

- Loss of daylight and sunlight
- Increase in overlooking
- Increased sense of enclosure
- Submitted documents are inadequate.
- Inappropriate scale of extension
- Harm to the Mayfair Conservation Area
- Impact the setting of listed buildings
- Loss of outlook
- Increase in noise from terrace
- Light pollution

PRESS ADVERTISEMENT / SITE NOTICE: Yes

#### 5. BACKGROUND INFORMATION

##### 5.1 The Application Site

The application site is an unlisted building within the Mayfair Conservation Area and Core CAZ. The property consists of lower ground, ground and first to fifth floors. The site has permission to be used as a single family dwelling and works are currently under way to implement this permission.

##### 5.2 Recent Relevant History

There is an extensive history of applications on this site in the last two years. The relevant applications are outlined below.

Permission was granted in April 2016 (RN: 16/00936/FULL) to allow the infill of a lightwell at lower ground floor level, the installation of roof lights at main roof level and alterations to rear terrace at first floor level including the extension of timber screening all in association with the use of the property as a single family dwelling (Class C3). The building was previously used as five separate residential units. These units were 1x self-contained studio flat, 1x 1 bed flat, 2x 2 bed flats and 1x 4 bedroom flat.

Permission was also granted in July 2016 (RN: 16/04701/FULL) to allow the use of the property as a single family dwelling, infilling of lightwell at lower ground floor level and installation of walk-on glass rooflight, alterations to rear terrace at first floor level, erection of extensions at rear ground to second floor level, infill extensions to rear third

to fifth floor levels and the installation of air conditioning condensers on the main roof and associated alterations.

Planning permission granted in November 2016 (RN: 16/08352/FULL) allowed alterations at roof level including the installation of a lift, skylight and glass balustrade in association with the use of the roof as a terrace.

Permission was granted in January 2017 (RN: 16/10873/FULL) allowing the excavation of a basement extension, installation of five air conditioning units at roof level, re-instatement of lightwell at rear lower ground floor with glazed walk on floor and associated alterations, glazed infill of existing lightwell at lower ground floor level all in association with use of the property as a single family dwelling.

The works permitted above are well under way on the application site with excavation of the basement having commenced, some of the smaller rear extensions being completed and the interior of the building being bare.

More recently, permission was granted in November 2017 (RN: 17/08158/FULL) to allow the creation of two new terraces, including privacy screens, at rear second floor level.

Planning permission was refused in December 2017 (RN: 17/09275/FULL) to allow the extension of the existing terrace at main roof level on design and conservation grounds.

Permission was granted at No. 8 Chesterfield Hill (RN: 16/00807/FULL), directly to the rear of the site, for the demolition of the building and erection of a replacement four storey building (plus lower ground floor level) containing 5x3 bedroom flats (Class C3) and installation of plant and terrace at roof level. This permission is currently being implemented on the site.

## **6. THE PROPOSAL**

Planning permission is now sought to allow the erection of a rear first floor extension on top of the existing rear building. This would create a linked building to the rear of the site comprising of basement, lower ground, ground and first floors. The existing rear structure rises 5.56m above ground floor to the top of its flat roof. The proposed structure would rise to 7.79m to the top of the flat roof (an increase of 2.23m), or 8.84m to the peak of the proposed roof lantern (an increase of 3.28m). Permission is also sought to allow the enlargement of the existing rear first floor terrace, located along the western boundary of the site, and associated alterations. Extending the terrace in the manner proposed would allow it to link the proposed new first floor of the rear building to the first floor of the main building.

## **7. DETAILED CONSIDERATIONS**

### **7.1 Land Use**

The application will result in an increase in residential floorspace of 70sqm (GIA) as a result of the proposed extension. The increase in residential floorspace to extend the existing residential property is considered acceptable in landuse terms and is compliant

with Policy H3 of the UDP and Policy S14 of the City Plan, both of which seek to increase the residential floorspace within Westminster.

## 7.2 Townscape and Design

The building lies on the north side of Hill Street and is part of the street block bounded by Hill Street, Chesterfield Hill and Farm Street. At the rear of the building there is a long closet wing which runs along the western site of the plot. At the northern end of the plot, is a two storey building, with a steeply pitched roof. This is immediately at the rear of nos. 7 and 8 Chesterfield Hill. Generally, the area in the middle of the street block is open, without large extensions. One exception is at no. 24 Hill Street to the east which fills the northern part of the garden. This is a similar height to the existing garden building at no.28.

The proposal is to add another storey to the existing garden building. This would create a three storey building which would be taller than others in the rear area. This is considered to be incongruous, creating an uncomfortable architectural relationship to adjacent buildings, and alien to the character of the rear area. It would appear above the party wall with 26 Hill Street, a Grade II listed building, and harm its setting. Objections have been received from adjacent occupiers referring to these impacts.

It is considered that the extension, by reason of its height and bulk, would be contrary to the City Council's policies, especially DES 5 and DES 6 of the Unitary Development Plan. It would fail to preserve or enhance the character and appearance of this part of the Mayfair Conservation Area, contrary to DES 9, and harm the setting of the adjacent listed building, contrary to DES 10.

Even if the principle of the extension was considered acceptable, the design of the roof, with its bulky, box-like link to the roof terrace, harms the appearance of the proposed roof scape and this is also unacceptable in urban design and conservation terms. It is contrary to DES 6.

## 7.3 Residential Amenity

Council records show that the application site is surrounded by residential properties to the western side and the rear (north). These are the rear of properties on Chesterfield Hill and Farm Street.

### Sunlight and Daylight

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used.

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component (VSC) which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the

window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter), the loss is greater than 20% either over the whole year or just during winter months and the total loss over the whole year is greater than 4%, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

Three objections have been received on the grounds of loss of daylight and sunlight to surrounding properties. The objections have been received from No. 24 Farm Street and No. 7 Chesterfield Hill and also raise concerns about the loss of light to their neighbouring properties.

A daylight and sunlight report (in accordance with the Building Research Establishment – BRE – Guidelines) has been submitted in support of the application. This details the impact of the proposed roof extension at the application site on surrounding windows at Nos. 7 and 8 Chesterfield Hill and No. 24 Farm Street. The approved residential development which is currently under construction at No.8 Chesterfield Hill (RN: 16/00807/FULL) has been assessed.

The report demonstrates that some windows will experience only small losses in daylight. Three windows experience losses in VSC (one at No. 8 Chesterfield Hill and two at No. 24 Farm Street) however, only one of these experiences a loss in excess of the 20% threshold identified by BRE above which losses in daylight are noticeable. This is a loss of 36%.

The window which experiences the loss in VSC is located at ground floor in 8 Chesterfield Hill. This window will serve a kitchen/dinner for a 2 bedroom flat (Flat B) in the development currently under construction. The applicant's daylight and sunlight report states that this window is question is set back with an internal balcony on the ground, which is incorrect. The permitted drawings for the development being implemented does not include balconies. There is a small courtyard for this flat at lower ground level, below the window in question. While the Council does afford protection to kitchens which have space for dining (such as the room served by the window), it should be noted that the existing VSC levels for the room are already significantly below the recommended BRE guidelines (27%) at 6.99%. The loss (-36%) shown by the report will bring the new VSC down to 4.45%. Considering the already low levels in this room and the unneighbourly close location of this window to the boundary of the site, it is not considered that the loss experienced would have a detrimental impact on the amenity of the room or property.

The daylight and sunlight report also demonstrates that there will be some material losses in annual sunlight during (APSH) at the same window as identified above. The window is predicted to see a loss of 67.0% APSH. As before, this high percentage loss is representative of a loss to an already small absolute figure (12% to 4% APSH - well

below the BRE guidance of 25%). Due to the already low levels of APSH and the unneighbourly close location of this window to the boundary of the site, it is not considered that permission could be withheld as a result of the APSH losses shown here. No other windows assessed fail the BRE tests.

The report demonstrates that, whilst the proposed development will not be fully compliant with the BRE guidance, the number and quantum of the shortfalls will not result in unreasonable residual levels of daylight and sunlight amenity within any of the neighbouring residential premises. As a result, the objections on these grounds cannot be upheld.

### **Sense of Enclosure and Loss of Outlook**

One objection has been received on the grounds of an increased sense of enclosure and loss of outlook to the bay window at No.7 Chesterfield Hill as a result of the increased height and extent of the privacy screen at the rear first floor terrace and the proposed first floor extension.

The first floor bay window at the objector's property at No.7 Chesterfield Hill is situated behind a dropped part of the boundary wall along the application site. While it is recognised that there will be an increase in height of the privacy screen, this screen will only rise slightly above the dropped part of the boundary wall, and not enough to rise to any significant height above the window sill of the bay windows. The applicant has confirmed that the new screen would rise above the existing drop in the party wall by only a small amount and that the top of the new screen would be below the existing window. This aspect of the objection therefore cannot be upheld.

While there will be some increase in height, this will be focused to one side of bay window in question. It would be considered that the main area of outlook from the window would be down the centre of the row of properties fronting Hill Street and Farm Street. The area increasing in height will be located away from this area of outlook and only serve to obstruct views largely to a brick elevation and the rear of No.8 Chesterfield Hill. As a result, it would be considered that there would be no significant loss of outlook from this window, and the objection cannot be upheld.

Also of concern with regards to sense of enclosure is the proposed relationship between the extra storey of the rear and the properties at No.7 and No.8 Chesterfield Hill. With regards to No.8, the small distance between the rear of the property and the application site boundary could create an increased sense of enclosure to the windows at first floor. However, the pitched roof of the proposed extra storey begins before the half way point of these windows and, as a result, would be seen to not cause a significant increase in sense of enclosure.

With regards to the proximity of the new storey to the rear no.7 Chesterfield Hill, this is also considered to not create a significant increase in sense of enclosure to the bay window as it will be located below the midpoint of the windows only encroach slightly into the field of view of one of the bay windows. There is a window located in the rear corner of No.7 Chesterfield Hill, which the new roof form will be close to. However, as with the first floor window at No.8 discussed above, the roof form in this location is pitched at a steep angle. The roof form will also not rise above the lowest sill of the window in



question in this location. It is therefore not considered that the new roof form will materially increase enclosure to this window.

### **Increase in Overlooking and loss of Privacy**

One objection has been received on the grounds of an increased sense of overlooking to the surrounding properties (at Chesterfield hill and Farm Street). However, due to the location of the proposed extended terrace and the size of the proposed privacy screen, it is not considered that this aspect of the proposal would create an increase in overlooking. The proposed additional storey does not include any windows in the new elevations so equally will not increase overlooking. As a result, this objection cannot be upheld.

### **Light Pollution**

One objection has been received on the grounds of light pollution created by the proposed lantern light atop the new roof form. While it is recognised that this is a cause for concern, it is not considered that it would be reasonable to refuse permission on these grounds as the existing and historic roof form of the rear building has a series of roof lights around the top of the pitched area. While these are not in the form of a roof lantern, they already allow for possible light pollution without any planning permission being granted. As a result, this objection cannot be upheld.

### **Noise from Terrace**

One objection has been received on the grounds that the enlarged terrace at rear first floor would lead to an increase in noise break out, negatively impacting the amenity of surrounding properties. Particular concern has been raised about the proximity of the extended terrace to the bay window of No. 7 Chesterfield Hill which serves a large, dual aspect master bedroom. While the large extended terrace would be considered unneighbourly in this position, due to the properties use as a single family dwelling and the close proximity of the existing roof terrace in this location, it would not be considered that there would be regular, excessive or any significant increase in noise from this area. As a result, it would be unreasonable for permission to be withheld on these grounds and this aspect of the objection cannot be upheld.

#### **7.4 Transportation/Parking**

Not applicable

#### **7.5 Economic Considerations**

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

## **7.6 Access**

The access arrangements for the property will not be altered by these proposals.

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

None

## **7.8 London Plan**

This application raises no strategic issues.

## **7.9 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.

## **7.10 Planning Obligations**

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

## **7.11 Environmental Impact Assessment**

Not applicable.

## **7.12 Other Issues**

### **Submitted Documents**

One objection has been received on the grounds that more documents should have been submitted by the applicant. The objector requested that a Heritage Assessment (as the building is located in a Conservation Area) and a Design and Access Statement (D&S) be submitted. However, given the scale of the proposals and that the national and local validation requirements would not require either of these documents for such an application, it would be considered unreasonable to request these of the applicant or withhold the application due to the lack of them. This objection therefore cannot be upheld.

## **8. BACKGROUND PAPERS**

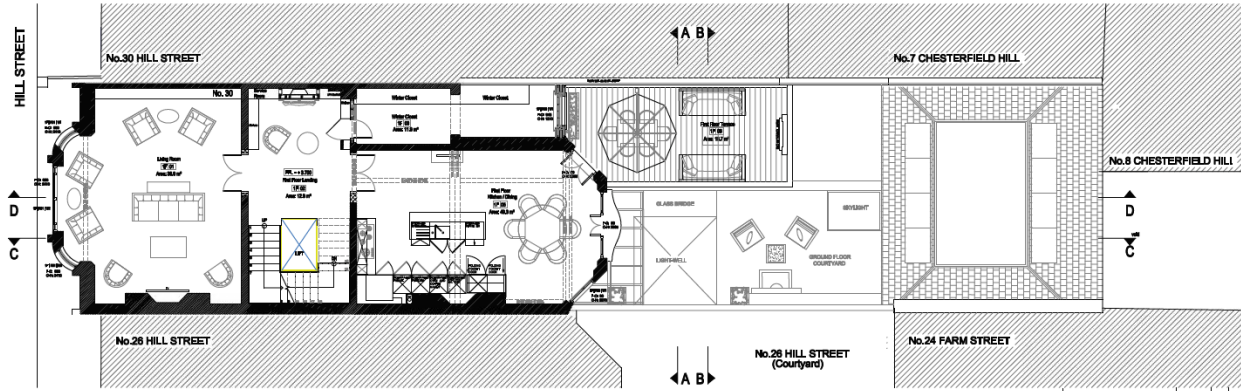
1. Application form
2. Letter from occupier of 24 Farm Street, London, dated 1 November 2017
3. Letter written on behalf of the occupier of 7 Chesterfield Hill dated 6 November 2017
4. Letter written on behalf of the occupier of 24 Farm Street, London, dated 26 November 2017

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

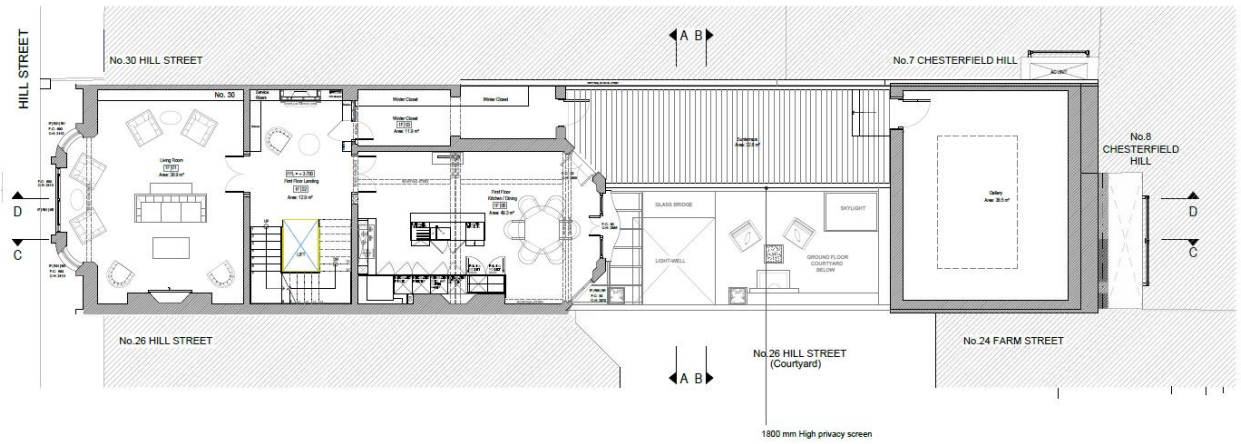
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

9. KEY DRAWINGS

Existing First Floor

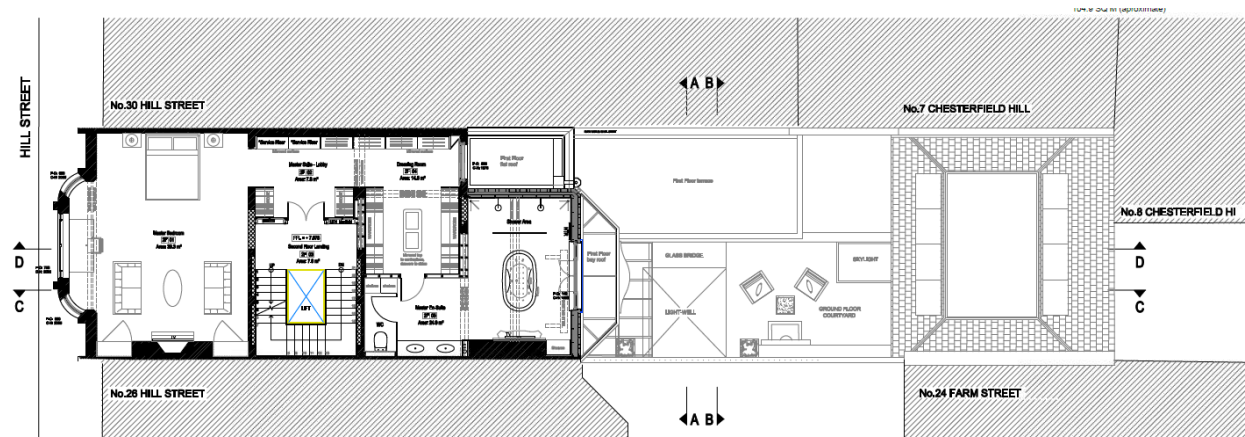


Proposed First Floor

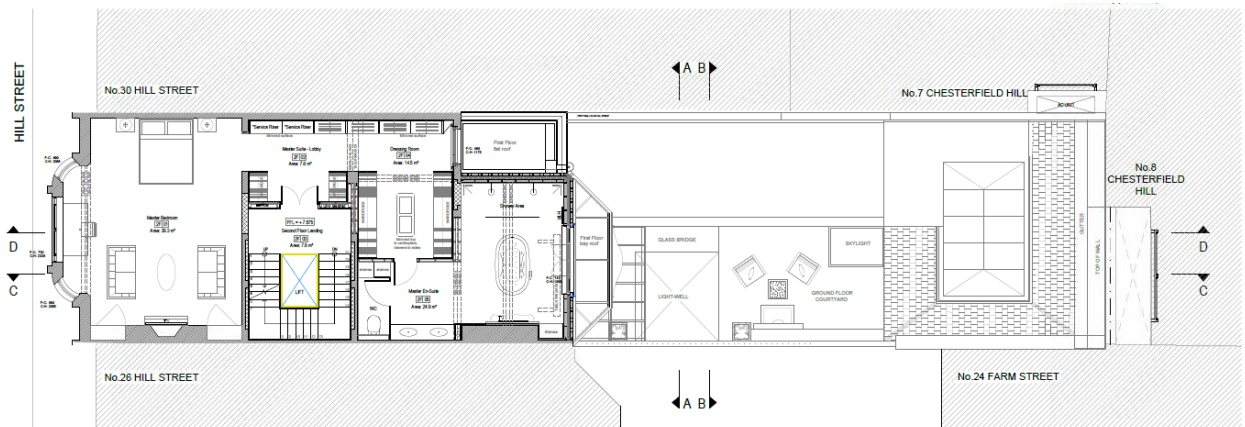


1800 mm High privacy screen

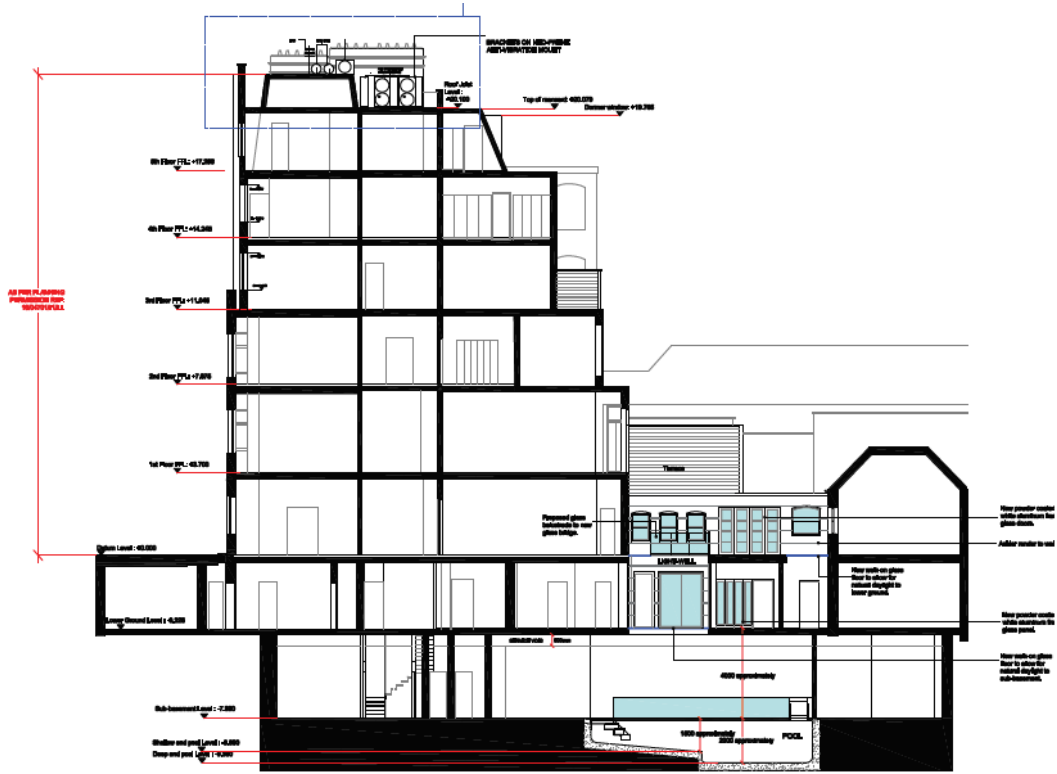
Existing Second Floor



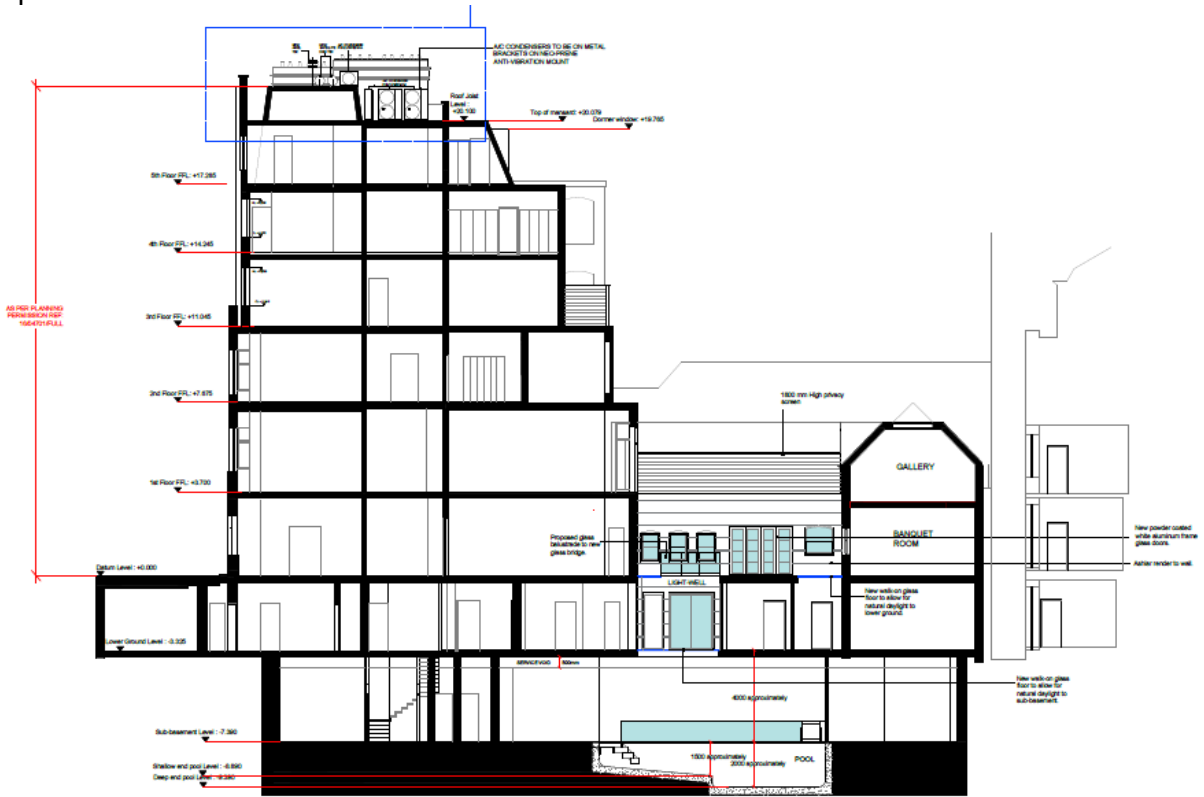
Proposed Second Floor



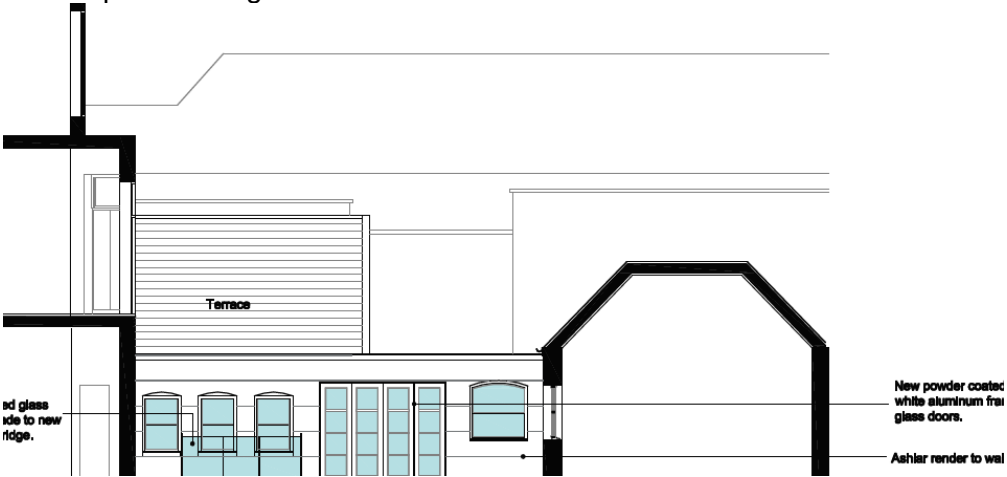
Existing Section D-D



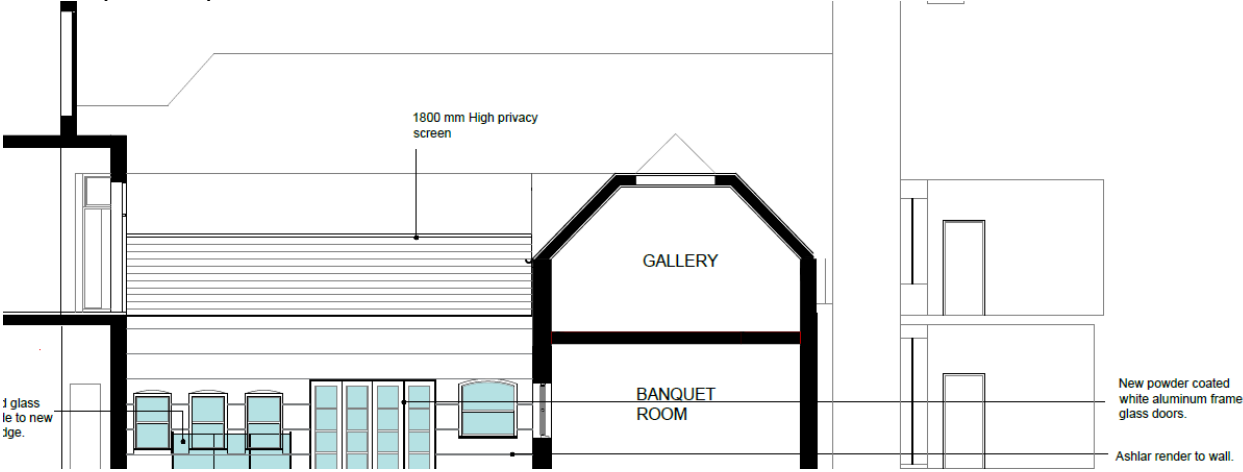
Proposed Section D-D



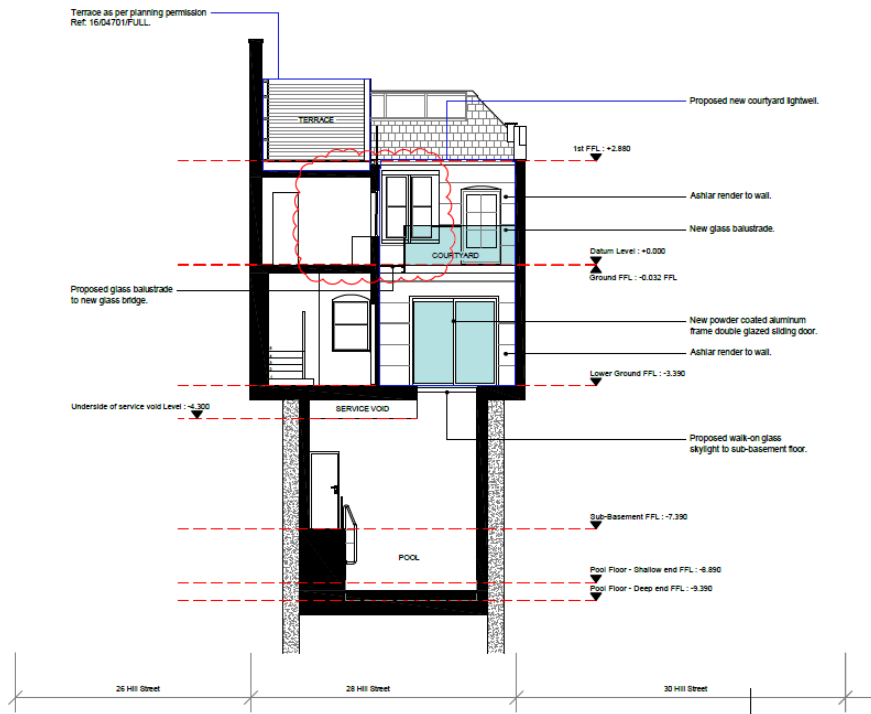
Close up of Existing Section D-D



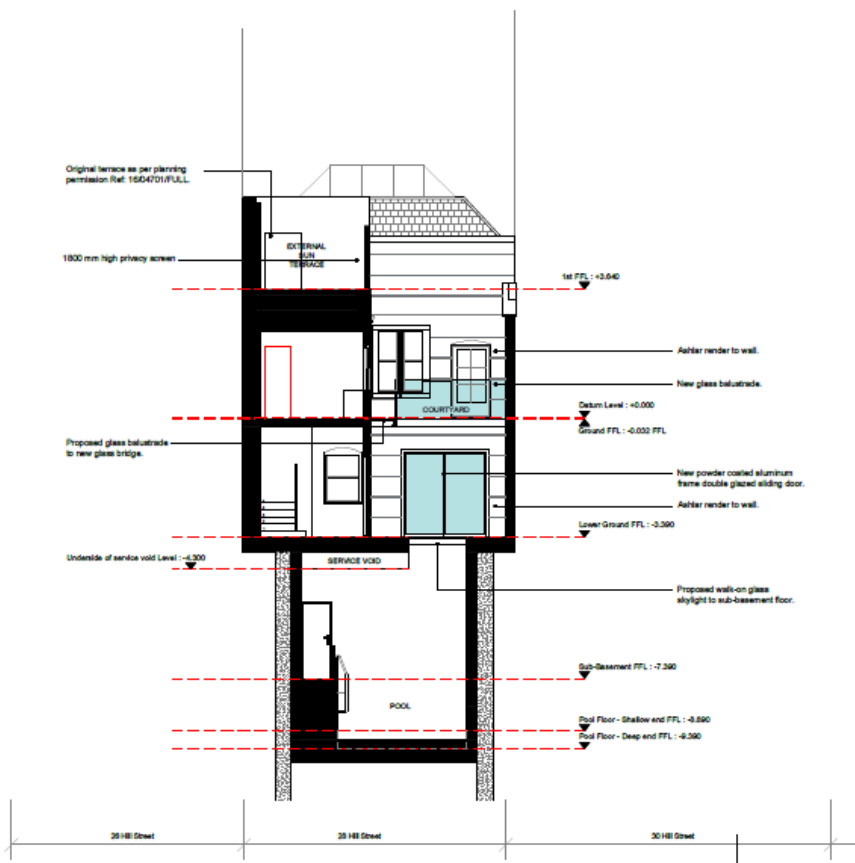
Close up of Proposed Section D-D



### Existing Section B-B



### Proposed Section B-B





**DRAFT DECISION LETTER**

**Address:** 28 Hill Street, London, W1J 5NW

**Proposal:** Erection of rear extension at 1st floor level and enlargement of terrace with associated alterations.

**Reference:** 17/09011/FULL

**Plan Nos:** 098 ; 099 ; 100 ; 101 ; 102 ; 103 ; 104 ; 105 ; 106 ; 107 ; 108 ; 109 ; 110

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

Reason:

Because of its height, bulk and design, the proposed extension would harm the appearance of this building and architectural relationship with adjacent buildings and would fail to maintain or improve (or enhance) the character and appearance of the Mayfair Conservation Area. It would harm the setting of the adjacent listed building at 26 Hill Street. This would not meet S26 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 2, DES 3, DES 4, DES 5, DES 6, DES 7, DES 8, DES 9, DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that were adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the 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 2013), Unitary Development Plan, Supplementary Planning documents, planning briefs and other formal 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.