



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (1)

Meeting Date:

Tuesday 13th November, 2018

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Tony Devenish (Chairman)
Timothy Barnes
Susie Burbridge
Tim Roca



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.

**Tel: 020 7641 7531; Email: gwills@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|------------------------|
| 1. 11-13 GROUND FLOOR, BROAD COURT, WC2B 5QN | (Pages 5 - 16) |
| 2. 6 BARK PLACE, LONDON, W2 4AX | (Pages 17 - 34) |
| 3. 21-23 HUGH STREET, LONDON, SW1V 1QJ | (Pages 35 - 48) |
| 4. 89 YORK STREET, LONDON, W1H 4QD | (Pages 49 - 66) |

Stuart Love
Chief Executive
5 November 2018

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 13th November 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 18/07263/FULL St James's	11-13 Ground Floor Broad Court London WC2B 5QN	Use of part ground floor as a residential dwelling (Class C3). Associated internal alterations.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 18/05090/FULL Lancaster Gate	6 Bark Place London W2 4AX	Erection of full width single storey rear extension at ground floor level.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/07816/FULL Warwick	21-23 Hugh Street London SW1V 1QJ	Retention of 8no. replacement UPVC double-glazed windows and 1no. door across the rear elevation of both properties.	
	Recommendation Refuse permission – harm to appearance of building and conservation area.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/06754/FULL 18/06755/LBC Bryanston And Dorset Square	89 York Street London W1H 4QD	Installation of two Juliet balconies and French windows at rear ground floor level and the installation of a fanlight above the external entrance door.	
	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter.			

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 13th November 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	11-13 Ground Floor, Broad Court, London, WC2B 5QN		
Proposal	Use of part ground floor as a residential dwelling (Class C3). Associated internal alterations.		
Agent	Mr David Bieda		
On behalf of	Ms Christina Anne Smith		
Registered Number	18/07263/FULL 18/07264/LBC	Date amended/ completed	24 August 2018
Date Application Received	24 August 2018		
Historic Building Grade	II		
Conservation Area	Covent Garden		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the decision notice.

2. SUMMARY

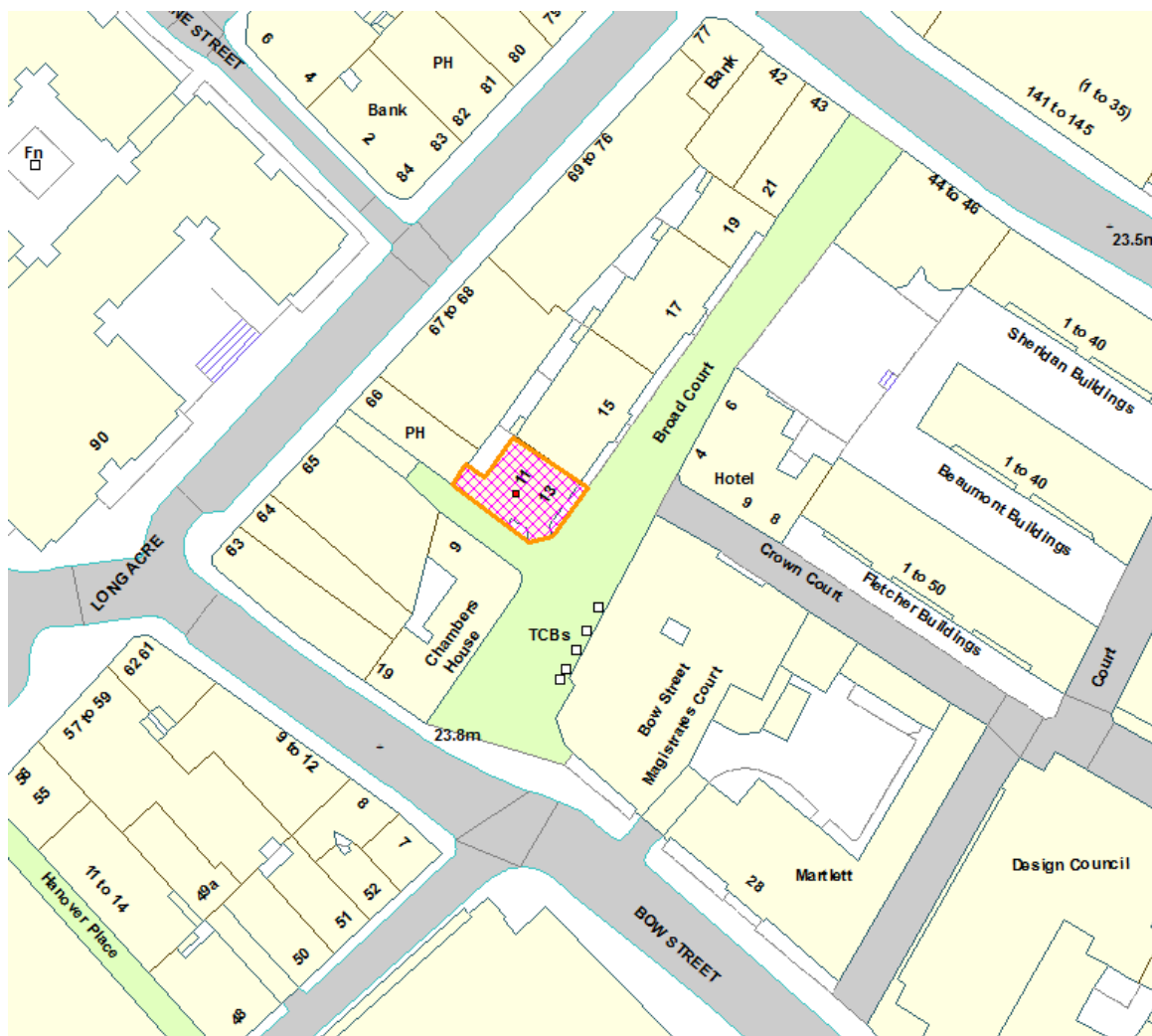
The application site relates to a ground floor office suite within 11-13 Broad Court. The building is Grade II listed and is made up of a mix of self-contained flats and office suites. The site is located within the Core Central Activities Zone (CAZ).

Permission and consent are sought for the use of the office suite as a residential unit and for the associated internal alterations. The proposals are specifically seeking a personal consent on behalf of the applicant due to their personal circumstances.

The key issue for consideration is the land use implication arising from the change of use from B1 office to residential within the Core CAZ where offices uses are generally protected.

Given the personal circumstances of the applicant, the change of use is considered acceptable subject to the imposition of a condition requiring the permission to be personal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

No objection.

HIGHWAYS PLANNING:

Objects to lack of long-term off-street car parking and secure cycle parking.

PROJECT OFFICER (WASTE):

Objection. A revised plan to show a dedicated area for waste and recyclable storage is required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a ground floor office unit within to 11-13 Broad Court. The building is grade II listed and is situated within the Covent Garden Conservation Area and the Core Central Activities Zone. The building comprises a mix of self-contained flats and office suites.

6.2 Recent Relevant History

In 2004 and then in 2010 permission and consent were granted for the use of part of the ground, first and second floors of 11-13 Broad Court as 2 x 2 bedroom flats and 1 x 1 bedroom flat. (04/00723/FULL & 10/09510/FULL)

On the 9 November 2016, the City Council formally adopted the latest version of Westminster's City Plan (November 2016). In terms of the proposed change of use from offices to residential, Policy S20 is now applicable. This policy seeks to restrict changes of use from office to residential unless the benefits of the proposal outweigh the contribution made by the office floorspace.

Given the change in policy the use of part ground floor of 11-13 Broad Court as residential (Class C3) was refused permission on 12 June 2018. (18/02364/FULL). The listed building application for internal works to facilitate the change of use was approved under application reference 18/02365/LBC

7. THE PROPOSAL

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office use	89	0	89
Residential use	0	89	89
Total	89	89	0

Permission and listed building consent are sought for the use of part of the ground floor of 11-13 Broad Court as a two bedroom flat within Class C3) together with necessary internal alterations. This application has specifically been requested to be made personal to the applicant.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed change of use to residential will result in the loss of 89sqm of office (Class B1) floorspace within the Core CAZ (CAZ). Policy S20 of the City Plan states that 'Inside the Core Central Activities Zone, Opportunity Areas and the Named Streets, changes of use from office to residential or replacement of office floorspace with residential floorspace will only be acceptable where the council considers that the benefits of the proposal outweigh the contribution made by the office floorspace, including:

1. The degree to which the employment and housing targets set out above, and as referred to in Policies S18 and S14, or in the case of the Victoria and Paddington Opportunity Areas, the targets set out in Policies S3 and S4 are being achieved;
2. The extent to which the office floorspace contributes to meeting Westminster's business and employment needs; and
3. The extent to which the mix of type, size and tenure of housing proposed meets or exceeds Westminster's needs. Where this is not met due to site constraints and/or viability, the floorspace will be retained as B1 office floorspace.'

Permission was previously refused for this scheme in June 2018 on the basis that there would be a loss of office floorspace in the Core CAZ contrary to Policy S20. However, since then additional information has been provided about the personal circumstances of the applicant. The applicant is an elderly person who currently lives in unsuitable accommodation at 21-23 Neal Street. A letter submitted on behalf of the applicant and provided as a background paper advises that the applicant's current residence has no bathroom or functioning kitchen. It would appear that the applicant moved into the office accommodation 10 years ago and has been resistant to moving. The Mercers Company has also written in support of the application stating that the first floor of 21-23 Neal Street has been let to the applicant for 23 years, that the property is dilapidated and in need of full refurbishment. The Mercers Company is now seeking vacant possession of the property in order to reinstate it back to its office use.

Although the proposal is contrary to policy S20, given the personal circumstances of the applicant, it is considered an exceptional circumstance can be made in this instance. However this would be subject to a condition that the permission is personal to the applicant. The NPPF advises that 'Planning conditions should be kept to a minimum and

only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'. In this instance a personal condition is considered necessary to overcome a policy objection and is relevant to the development permitted which is to avoid individual hardship.

The new residential flat would be a two-bedroom unit located at ground floor level. The bedrooms would provide an area of 18.5sqm (bed 1) and 22sqm (bed 2). The proposed flat and bedroom sizes meets the minimum space standards set out in the 'Technical housing standards - nationally described space standard' (2017). The proposal is therefore compliant with Policy S14 of the City Plan.

8.2 Townscape and Design

The building is a grade II listed Edwardian mansion block. The interior is almost unaltered and retains original cornice, doors, skirting and fireplaces throughout. The proposals seek to retain all the original features within the principal spaces, with minor modifications to the lobby areas. The internal alterations are of a very minor nature and have no impact on the character of the building. In design and listed building terms there have been no material alterations to the building since the previous approvals.

8.3 Residential Amenity

The existing building has a mix of office and residential uses and therefore the proposed residential use is considered compatible. There will be no significant impact on the amenity of other occupiers of the building.

8.4 Transportation/Parking

The Highways Planning Manager does not support the proposal on the grounds that it does not have any off street car parking and therefore does not comply with the provisions of TRANS 23.

The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 77%. However, TRANS23 includes all legal parking spaces (eg Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level decreases to 55%. The evidence of the Council's most recent daytime parking survey in 2015 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 82%. The Highways Planning Manager is concerned that the proposal will add to existing on-street parking stress overall.

The concerns of the Highways Planning Manager are noted. However the site is located within close proximity to Covent Garden, Leicester Square and Holborn Underground stations and from the mainline station at Charing Cross, as well as the bus networks along Holborn and Charing Cross Road. In addition the permission is personal to the applicant and does not run with the land. The absence of off street parking is not considered to justify a refusal on parking grounds in this instance.

The Highways Planning Manager has also requested the provision of one cycle space. Given the circumstances of the applicant and the fact that permission is personal it is not considered necessary to provide a bicycle parking space in this instance.

8.5 Economic Considerations

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

8.6 Neighbourhood Plans

There is currently no Neighbourhood Plan for Covent Garden.

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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

The nature of the application proposals does not require the imposition of a pre-commencement condition in this instance.

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

Not applicable.

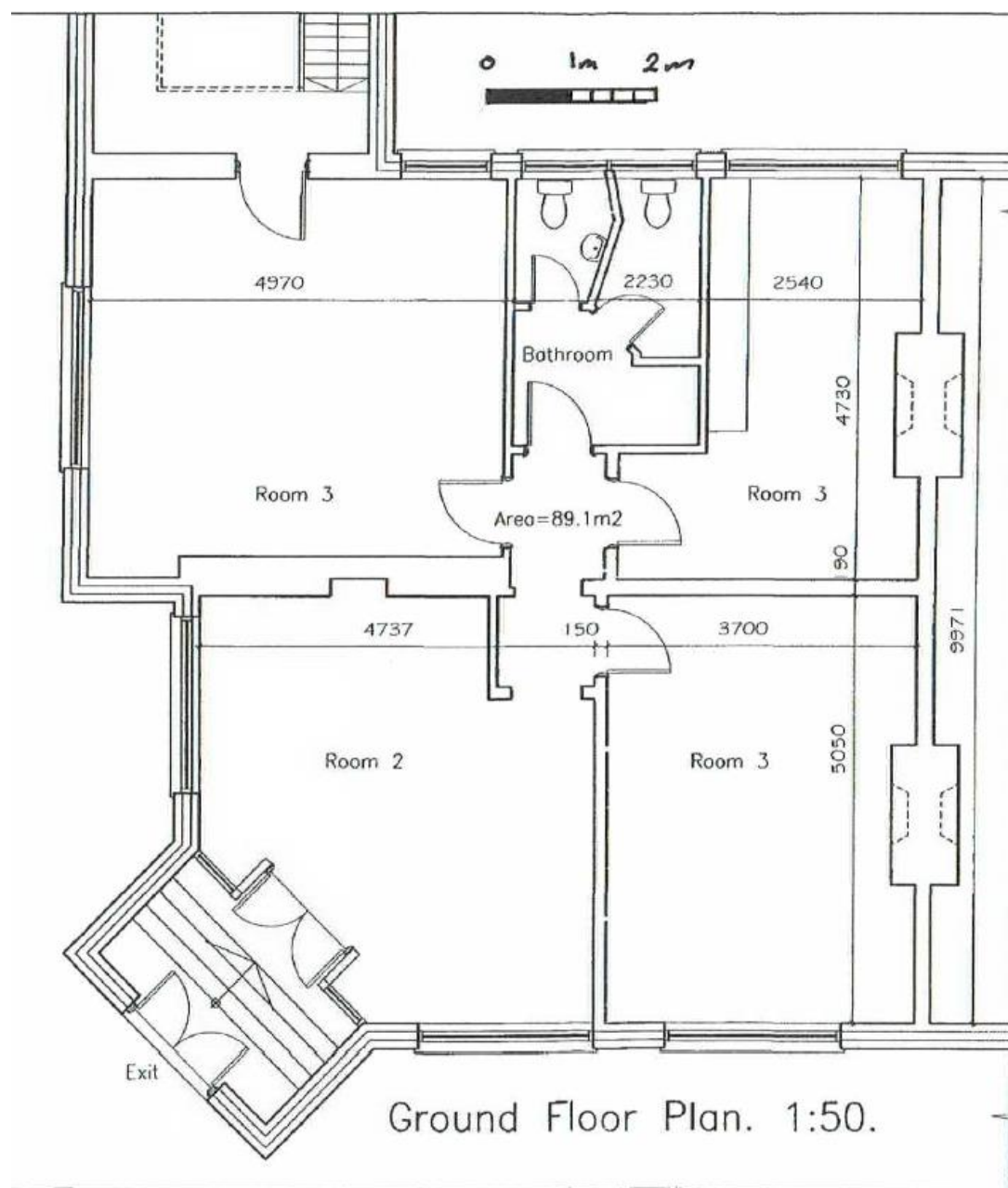
8.11 Other Issues

It is not considered necessary to require the submission of waste storage by condition given that waste can adequately stored within the flat.

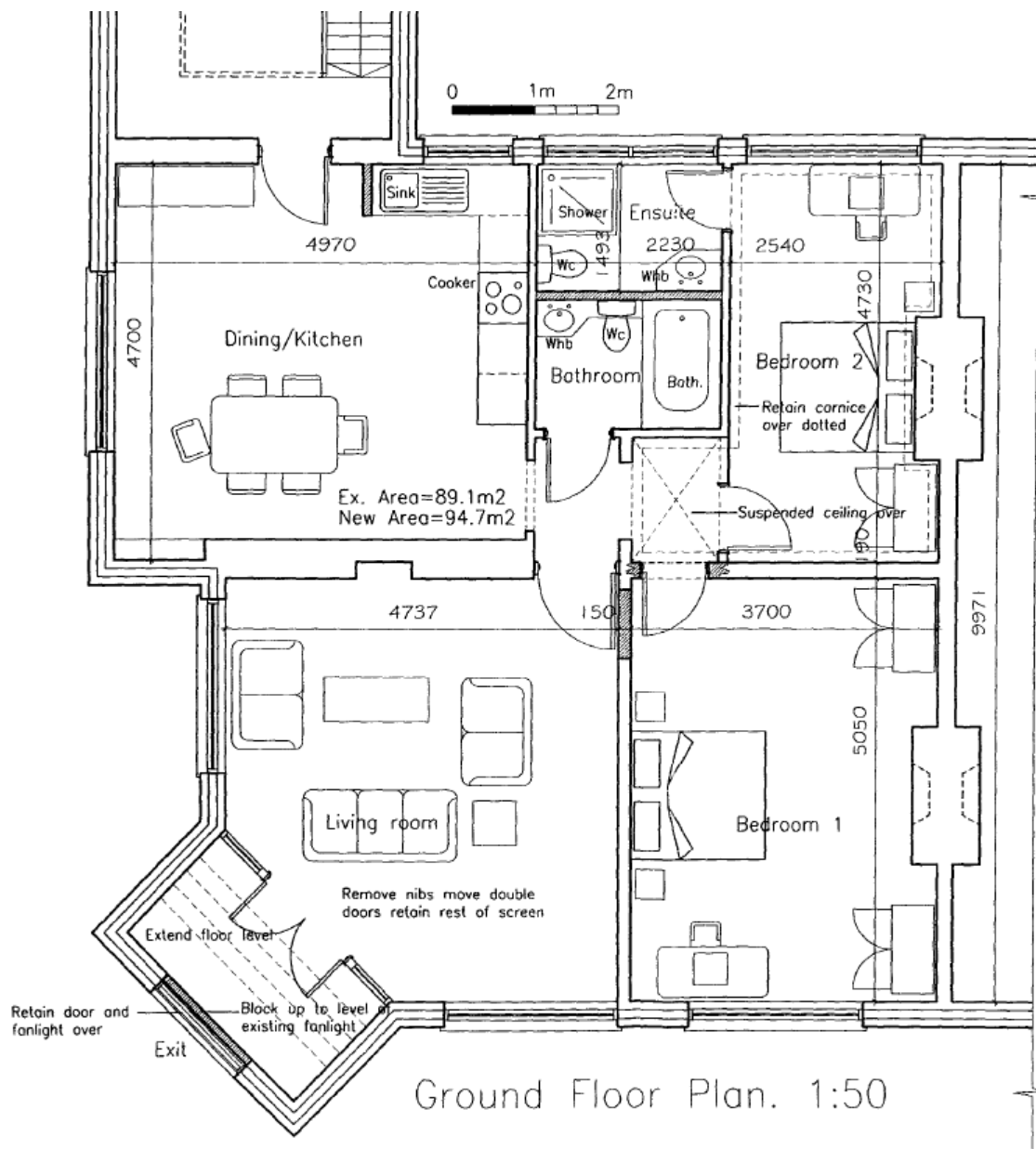
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

9. KEY DRAWINGS



Existing ground floor plan



Proposed ground floor plan

DRAFT DECISION LETTER

Address: 11-13 Ground Floor , Broad Court, London, WC2B 5QN

Proposal: Use of part ground floor as a residential (Class C3) dwelling.

Reference: 18/07263/FULL

Plan Nos: Site location plan, EX-01, P-01 Rev. A, Design and Access Statement dated 22 March 2018 and Heritage Statement., , For information purposes: EX-03 Rev. A, EX-02 Rev. A, P-02 Rev. A, P-03 Rev. A, D-01, D-02 Rev. A and D-03 Rev. A.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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- 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 Only Ms Christina Anne Smith can carry out the residential use. No one else may benefit from this permission. (C06AA)

Reason:

Because of the special circumstances of this case we need to control future use of the premises if Ms Christina Anne Smith leaves. This is as set out in Policy S20 of Westminster's City Plan (November 2016). (R06AB)

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.

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.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	6 Bark Place, London, W2 4AX		
Proposal	Erection of full width single storey rear extension at ground floor level.		
Agent	Mr Haslam		
On behalf of	Blair		
Registered Number	18/05090/FULL	Date amended/ completed	10 October 2018
Date Application Received	18 June 2018		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

This application relates to a single terraced dwellinghouse located within the Bayswater Conservation Area. Permission is sought for the erection of a single storey rear extension at ground floor level. The extension is to replace an existing conservatory to the rear.

Objections have been received on several grounds, including with respect to the impact on a bay tree located within the adjacent garden of 2 Lombardy Place; the design and scale of extension not being in keeping with the conservation area; loss of light to neighbouring properties; proposed solar panels are inappropriate and the proposed meter box to the front is out of keeping with the property and conservation area.

The key considerations relate to:

- Impact of the development on the amenity of adjacent occupiers;
- Impact of the development on the character and appearance of the Bayswater Conservation Area; and
- Impact of the development on the bay tree within adjacent garden at 2 Lombardy Place

Following advice from Officers, revisions were submitted to the Council and a subsequent further round of consultation undertaken. The revisions include the following:

- Revised Arboricultural Impact Assessment to include details and results of trial excavations;
- The omission of the meter box from the front elevation;
- Existing and proposed plan showing immediately surrounding properties in context; and
- Roof plan and section of the roof showing proposed rooflights to extension in profile

The revised proposals are considered to be acceptable in design and amenity terms and in terms of impact on the adjacent bay tree, and would comply with the relevant policies in the Unitary Development Plan adopted in January 2007 ('the UDP') and Westminster's City Plan adopted in November 2016 ('the City Plan'). As such, the application is recommended for approval subject to the conditions as set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation



Rear Elevation



5. CONSULTATIONS

Initial Consultation

COUNCILLOR DAVIS

Supports the objections sent by a neighbouring resident

BAYSWATER RESIDENTS ASSOCIATION

Supports the objections sent by local residents in terms of size of extension and overlooking.

ARBORICULTURAL MANAGER

Initially objected on grounds of the likely harm to the bay tree, both to its roots and crown. The latest revision to the Arboricultural Impact Assessment (AIA) addresses all concerns, and subject to a condition requiring protection of the bay tree according to the details submitted in this AIA and a condition requiring details of a maintenance regime for the roof and gutters, there is no objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49

Total No. of replies: 11 (*Some multiple responses, see background papers. 9 representees in total, 3 on behalf 2 Lombardy Place*)

No. of objections: 9

No. in support: 0

Design and townscape

- Proposed meter box on the front of property out of character with the building and conservation area;
- Proposed solar panels to the rear inappropriate and out of character with the conservation area;
- Proposed extension is overly large/out of scale/dominant/taking up large area of the garden; would be visible to houses and gardens of Caroline Place;
- Design of extension out of character with appearance of the rear of 1-6 Bark Place;
- The 'provision of an outward-opening door' is not acceptable in design terms;

Impact on bay tree in adjacent garden of 2 Lombardy Place

- The extension will have a harmful impact on the roots of the adjoining bay tree;
- Some of the information submitted within the Arboricultural Impact Assessment has been highlighted as points of concern by an objector as they discuss the impact of works on the tree
- It is considered that the party wall between 6 Bark Place and 2 Lombardy Place would have to be rebuilt, and this would have an impact on the bay tree;

Amenity

- The sloping roof of the extension is to start from the height of the first floor window sill which is taller than the other comparable extensions
- The extension will have a detrimental effect on 2 Lombardy Place and the occupiers' enjoyment of their living room and external space;

Other

- Bats either roost on the tree or feed on the leaves of the bay tree; this should be taken into account
- The proposed extension is to sit on the boundary; the existing conservatory is within the boundary of the property and other extensions in the area are within the boundary of the application properties;
- The rear extension should match those of 2 and 3 Bark Place;
- There are no measurements showing the height of the proposed extension;

Revised proposals consultation responses**BAYSWATER RESIDENTS ASSOCIATION**

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 56

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Many of original concerns were reiterated plus additional points as summarised below:

Design

- The proposed rooflights should have brown or black frames rather than white frames as they would blend in with the brickwork
- The revised drawings do not propose solar panels on the roof of the extension; solar panels would not be suitable for the main roof of the house as that is visible from surrounding streets; would like to know where they are now proposed;

Impact on the bay tree in adjacent to the garden of 2 Lombardy Place

- The proposals still take no account of the points previously raised and the damage that the proposed extension will cause to the tree and that the extension incorrectly assumes the acceptability of being able to rebuild the Party Fence Wall

Amenity

- The proposed rooflights should be obscure glazed and restricted in opening to reduce light pollution and impact on privacy of neighbouring property;
- A condition should be attached requiring blinds are fitted to the rooflights for use during hours of darkness;

Other

- It would be nice if a small tree could be planted at the end of the rear garden to provide a pleasing visual screen as well as being helpful to birds

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted two storey terraced property in use as a single dwellinghouse located on the eastern side of Bark Place within the Bayswater Conservation Area. The property has an existing conservatory extension, which has been in situ since at least February 2001. The existing conservatory is set in from both side boundaries by 0.3m and has a maximum depth of 3.8m; has a height of 2.75m to the eaves and 3.55m to the ridge. To the north, the application site shares a side boundary with 2 Lombardy Place, which has a bay tree located in proximity to the party wall with 6 Bark Place.

6.2 Recent Relevant History

Planning application for 6 Bark Place:

18/03585/FULL

Erection of full width single storey rear extension at ground floor level and full width rear dormer window extension.

Application Withdrawn 13 June 2018

Planning Enforcement record for 6 Bark Place:

01/20008/M

Conservatory at rear ground level

Case closed after confirming that the conservatory falls within permitted development.

27 February 2003

Planning application for 3 Bark Place:

05/08951/FULL

Erection of rear ground floor extension and an attic conversion with rooflights

Granted 23 December 2005

Planning application for 2 Bark Place:

06/07401/FULL

Erection of ground floor rear extension and installation of rooflights in front and rear roof slopes.

Granted 24 November 2006

7. THE PROPOSAL

Permission is sought for the erection of a rear ground floor extension, which would replace the existing conservatory extension. The new extension would span the full width of the house and have a sloping roof. It would project 4.0m in depth from the rear wall and have a height of 2.6m to the eaves and 3.6m where it meets the dwellinghouse.

The application has been amended in response to residents and officers concerns. A revised Arboricultural Impact Assessment including details and results of trial excavations to assess the impact on the bay tree has been submitted. The meter box proposed on the front elevation has been omitted. The drawings now clearly show three rooflights, which are shown in a roof plan and section drawing submitted at a later stage. For information only, an existing and proposed drawing has also been submitted showing immediately surrounding buildings in context. The applicant has also confirmed that they are no longer proposing to use photovoltaic panels to the roof of the proposed extension.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional floor space to the existing house is in line with policies H3 of the UDP and S14 of the City Plan.

8.2 Townscape and Design

Background, revised drawings and permitted development rights

Since the original submission of the application, the application has been revised and it is no longer proposed to install a meter box on the front elevation of the property. The submitted Design and Access Statement also mentions the possible use of photovoltaic panels on the sloping roof of the proposed extension. Revised drawings have been submitted that indicate that three rooflights are proposed within the roof of the extension. The Design and Access Statement, whilst providing supporting information to the application, contains inconsistencies with the submitted drawings. In this case, it would not be an approved document should the application be approved.

Objectors have queried the possible use of photovoltaic panels to the main roof of the property and there has also been a query regarding the replacement of the front door. Although the property is located within a conservation area, the property is not listed and there are no other restrictions to permitted development rights to the property, and as the property is a dwellinghouse it benefits from permitted development rights. This means that some alterations, including the replacement of the front door and the installation of photovoltaic panels may benefit from permitted development providing they comply with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notwithstanding the above, the subject of this current planning application is the proposed extension to the rear and does not include any alterations to the front of the property or main roof of the property. The applicant has also confirmed that photovoltaic panels are not proposed to the roof of the proposed extension.

Proposed Extension

The proposed rear extension is a more visually solid extension compared to the existing conservatory. However, three rooflights are proposed, as are glazed doors across the rear elevation. It is not significantly deeper than the maximum depth of the existing conservatory, being 0.2m deeper into the garden. This additional depth is not considered so significant that there would be an unacceptable loss of the garden. It would also not result in an extension that dominates the original dwellinghouse.

There are existing extensions to the rear of no. 3 and no. 2 Bark Place which have been granted planning permission in 2005 and 2006 respectively (See section 6.2 of this report on Recent and Relevant History). These extensions have flat roofs and many objectors consider that the proposed extension should also have a flat roof. However, the proposed extension replaces a relatively large and incongruous pitched roof conservatory that features are flat roof extensions. Although the extension that would replace the conservatory would have a sloping roof, it would be an enhancement in comparison to the conservatory it replaces.

An objector queries an 'outward opening door' that is mentioned in the submitted Design and Access Statement. Such a door would not be considered inappropriate in design terms and an objection on this basis would not be sustainable.

Notwithstanding the details of the proposed materials as stated on the application form, a condition is recommended requiring further details of the proposed external materials for the extension.

Overall, the proposed extension would preserve the character and appearance of the host building and this part of the Bayswater Conservation Area. The application is in accordance with policies S25 and S28 of the City Plan and DES 1, DES 5 and DES 9 of the UDP.

8.3 Residential Amenity

Policies S29 in the City Plan and ENV13 in the UDP relate to protecting amenities, daylight and sunlight, and environmental quality. Part (D) of ENV13 states that the City Council will resist proposals, which result in a material loss of daylight/sunlight, particularly to existing dwellings. Part (E) of ENV13 goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly to gardens, public open space or on adjoining buildings, whether in residential or public use.

The existing conservatory has glazing in the side elevations facing neighbouring gardens on either side at 5 Bark Place and 2 Lombardy Place. The proposed extension that is to replace this conservatory is to have a brick wall and no windows in the side elevations. The extension is to be built up to the side boundaries of the application site and have a depth of 4.0m, with a sloping roof to a height of 2.6m to the eaves and 3.6m to the ridge. Whilst this is greater in depth than the existing conservatory, this is only by a further 0.2m. The existing conservatory is set in from both neighbouring boundaries by 0.3m on either side; however the proposed extension is to be built up to both side boundaries. The proposed extension projects 1.0m deeper than what could be built

under permitted development, and that it replaces an existing extension, which has a maximum depth of 3.8m.

Sense of Enclosure and Sunlight and Daylight

The extension would be greater in depth than the existing conservatory, as well as being built up the shared side boundaries with 5 Bark Place and 2 Lombardy Place. It would also be higher on the boundary at the point that it meets the original building. However, it is to have a sloping roof, which would reduce the impact towards the end of the extension, where it reduces to 2.6m in height to the eaves. The existing bay tree in the garden of no. 2 Lombardy Place also provides natural screening to the residents of this neighbouring property from the extension. On balance, the extension would not be significantly larger than the existing conservatory and therefore it is not considered that it would have an unduly harmful impact on neighbouring residential amenity in terms of sense of enclosure or in terms of a reduction in sunlight and daylight, to warrant a refusal in this case.

Privacy and Light Pollution

Objections have been received from adjoining neighbours with regards to the proposed rooflights resulting in light pollution and impacting on privacy. It has been suggested by neighbours that a condition should be attached either requiring obscure glazing or blinds fitted to reduce light pollution. However, it is not considered reasonable to impose such a condition for rooflights in this case, particularly as the existing conservatory is of a glazed structure and is likely to emit a greater amount of light, including through the roof, then the proposed rooflights would in this case. It has also been suggested that the opening of the rooflights be restricted. There are other existing extensions on Bark Place, including at no. 2 and no. 3, neither of which have no such conditions in relation to the rooflights when permission was granted for them. (RN 05/08951/FULL in relation to 3 Bark Place, granted 23 December 2005 and RN 06/07401/FULL in relation to 2 Bark Place, granted 24 November 2006). Consequently, it is not considered reasonable to impose such a condition in this case. The existing conservatory also has glazing on side elevations, although some of it is at high level. The proposed extension does not include any windows on the side elevation, which is less intrusive in terms of privacy and light pollution in this respect.

The proposed extension is in accordance with ENV13 of the UDP and S29 of the City Plan, and is therefore acceptable on amenity grounds.

8.4 Arboricultural Matters

The Arboricultural Manager raised concerns in relation to the impact of the development on the bay tree which is located within the neighbouring garden of 2 Lombardy Place, in proximity to the boundary wall between 6 Bark Place and 2 Lombardy Place. During the course of the application, further information has been provided by the applicant and the Arboricultural Impact Assessment (AIA) has been revised to incorporate this information. This includes the findings of a trial excavations adjacent to the proposed works at the closest part to the trunk of the bay tree, which were carried out below foundation depth. The Council's Tree Officer who inspected these trial excavations confirms that no significant roots were observed to be growing beneath the foundations.

On this basis, the Tree Officer does not consider that the rear excavations to form the foundations for the extension will cause significant harm to the bay tree, and raises no objections, subject to a condition requiring tree protection measures in accordance with those stipulated within the revised AIA. A further condition is also recommended requiring details of a maintenance regime for the roof and gutters within 1 year of the completion of the extension. This is to ensure that the tree would not become subject to undue post-development pressure for inappropriate pruning or removal.

The submitted AIA is based on the retention of the boundary wall between 6 Bark Place and 2 Lombardy Place, and the Tree Officer's assessment has been made on that basis. The applicant has confirmed that this party wall is not proposed to be removed. As it is likely that the removal of the party wall may have an adverse impact on the bay tree, a condition requiring the retention of this party wall is also recommended.

8.5 Transportation/Parking

The proposed enlargements would not alter the use of the property from a single dwelling and therefore the impact upon the local highways and parking impact would be negligible. The building would remain capable to providing dedicated refuse and recycling storage.

8.6 Economic Considerations

No economic considerations are applicable for a development of this size

8.7 Access

No change to existing arrangements.

8.8 Other UDP/Westminster Policy Considerations

Not applicable

8.9 London Plan

This application raises no strategic issues.

8.10 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. There are no pre-commencement conditions recommended should permission be granted.

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application. In addition, the proposed development is not liable under the Community and Infrastructure Levy Act given that the works are an extension to an existing dwellinghouse.

8.12 Other Issues

Objections have been received from neighbours with regards to the lack of dimensions annotated on the submitted drawings. The submitted drawings include scale bars on them which enables measuring the existing and proposed dimensions, and there is no requirement to provide annotation of the dimensions on the drawings.

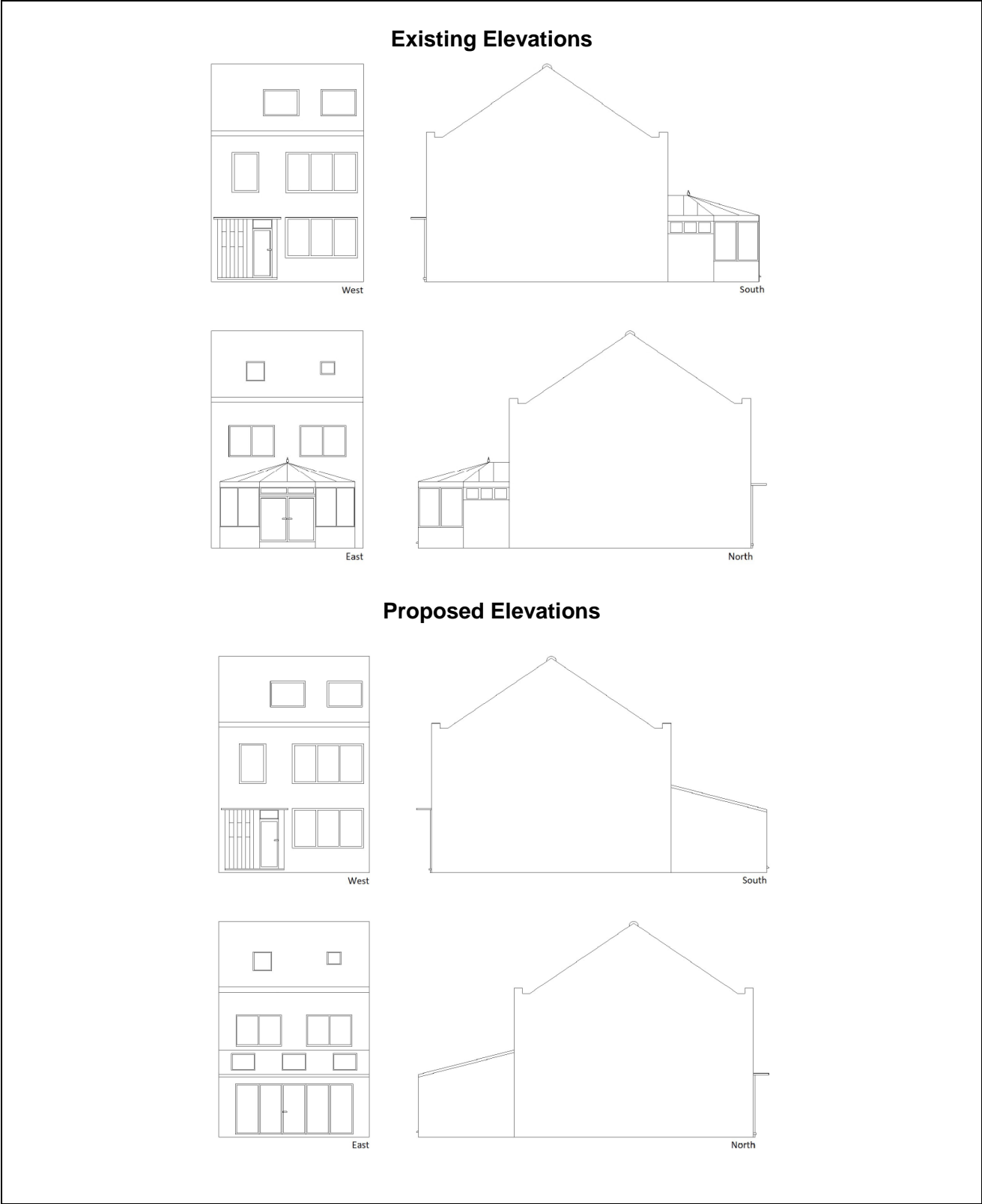
A suggestion has been made by one neighbour that a small tree should be planted in the rear garden. There is no existing tree in the rear garden that would be removed as a result of the proposed extension, and it is not considered reasonable to require a tree to be planted as part of this application.

Concerns have also been raised by some residents with regards to bats roosting on the bay tree or feeding on the leaves of the bay tree. There is no evidence of any bat activity around the tree, however, should there be any bat activity the applicant will be advised of the requirements of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000, or any acts offering protection to wildlife by informative, should the application be supported.

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

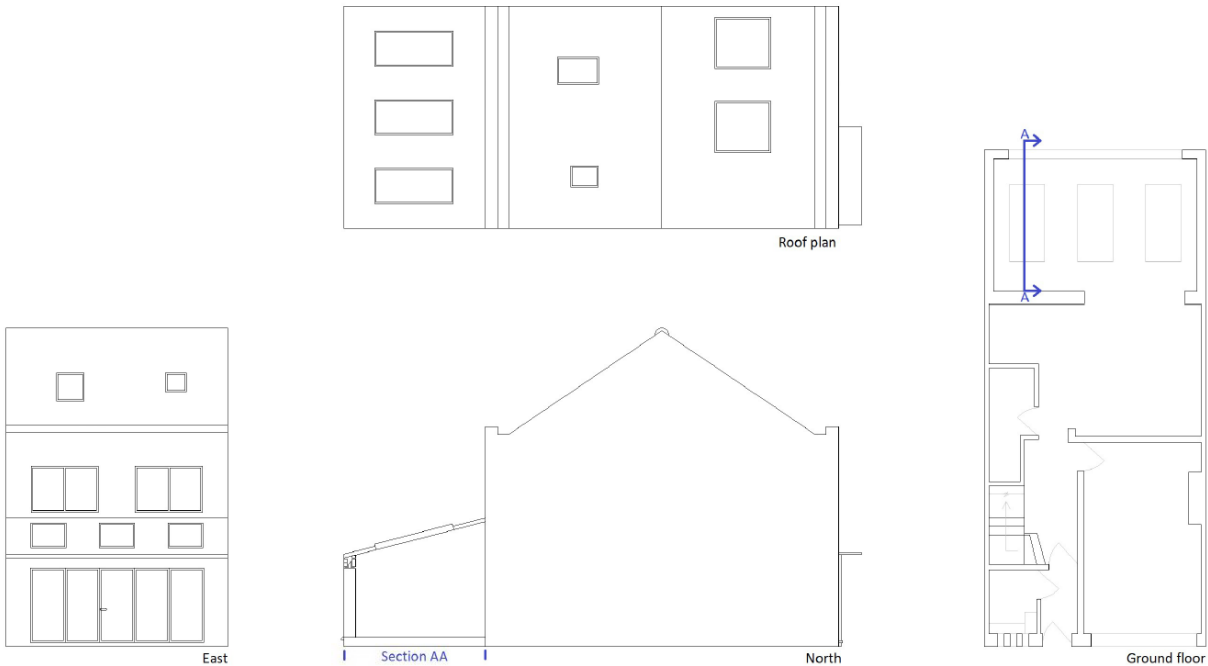
9. KEY DRAWINGS



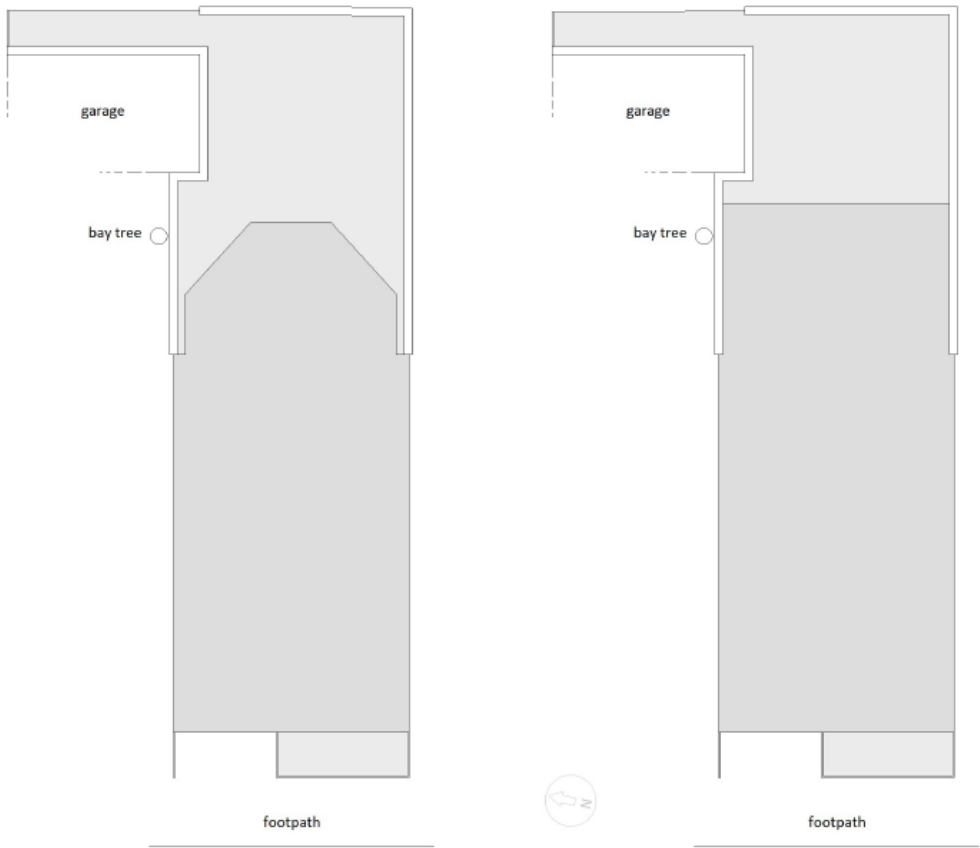
Existing and Proposed Floor Plans



Proposed Roofplan and Section Showing Rooflights



Existing (left) and Proposed (right) Site Plan



DRAFT DECISION LETTER

Address: 6 Bark Place, London, W2 4AX

Proposal: Erection of full width single storey rear extension at ground floor level.

Reference: 18/05090/FULL

Plan Nos: Site Location Plan; Existing Site Plan (scale 1:200); Drawing numbers JH002, JH003, JH004, JH007 and JH009; Arboricultural Impact Assessment & Method Statement by Arboricultural Solutions dated April 2018 (Revision 1 dated 5 October 2018).

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Notwithstanding the details submitted on the application form, you must apply to us for approval of further details, including samples, of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Bayswater 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 protect the bay tree according to the details, proposals and recommendations set out in Section 8 and Appendix B of your Arboricultural Implications Assessment. If you need to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the bay tree adjacent to the site is adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 5 You must apply to us for approval of details of a maintenance regime for the roof and gutters within 1 year of the completion of the development or before you start to use the extension, whichever is sooner. You must then follow the maintenance regime according to the approved details.

Reason:

To make sure that the bay tree adjacent to the site is not subject to undue post-development pressure for inappropriate pruning or removal. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 6 The existing boundary wall between 2 Bark Place and 2 Lombardy Place shall be retained.

Reason:

To make sure that the bay tree adjacent to the site is adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

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

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2

application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 3 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.

- 4 This decision letter does not provide an exemption from the requirements to comply with the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000, or any acts offering protection to wildlife. Of particular note is the protection offered to bats, birds and their nests, whilst being built or in use. Failure to comply with the Acts may result in a criminal prosecution. Should you require any further information on this subject please contact the London Office of Natural England on 0300 060 4911.

- 5 This application relates to the proposed single storey rear extension and to no other alterations to the house, including any alterations to the front of the house or any alterations to the main roof of the house.

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	21-23 Hugh Street, London, SW1V 1QJ,		
Proposal	Retention of 8no. replacement UPVC double-glazed windows and 1no. door across the rear elevation of both properties.		
Agent	Mr Elie Osborne		
On behalf of	Mr & Mrs Patel		
Registered Number	17/07816/FULL	Date amended/ completed	5 September 2017
Date Application Received	31 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Refuse planning permission - harms appearance of building and Pimlico Conservation Area

2. SUMMARY

The application relates to an unlisted pair of buildings of merit within the Pimlico Conservation Area, used for many years as a hotel (no.23) and two flats (no.21). The hotel and the upper flat at no. 21 are linked internally and share a rear yard which backs onto Hugh Mews.

Planning permission is sought to retain 8 UPVC windows and one UPVC door installed to the rear of the two properties without the benefit of planning permission, replacing original painted timber sash windows. This follows an enforcement complaint which remains open pending the result of this application.

Due to the lawful use of each building, the properties do not benefit from Permitted Development Rights for the replacement of windows, and as such planning permission is required for this work.

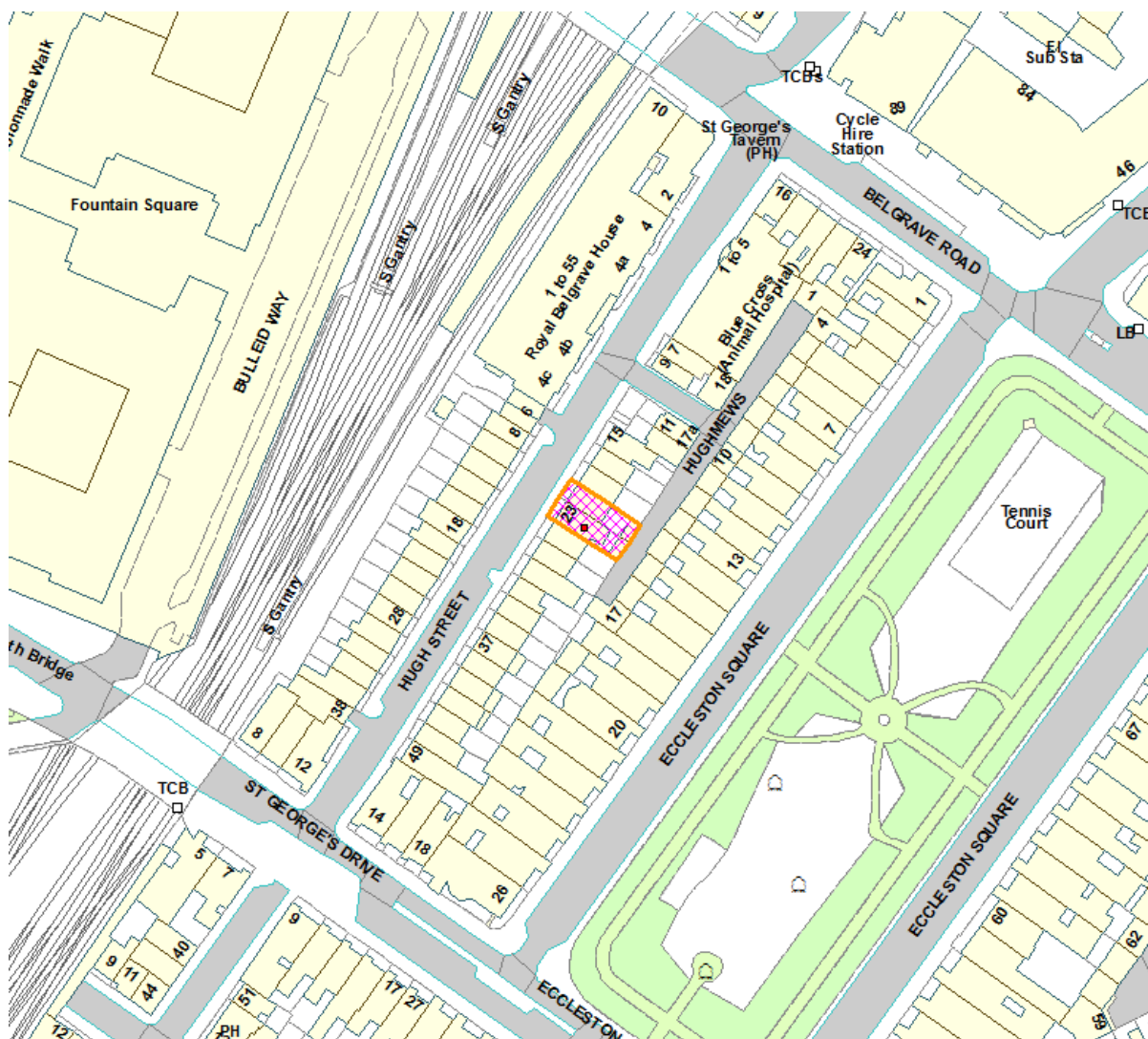
The determination of this application follows the resolution of two recent parallel applications for Certificates of Lawfulness, the first of which was refused in April 2018 (RN: 17/09800/CLEUD), the second of which was approved in July 2018 (RN: 18/03499/CLEUD). These have established that the remaining 8 windows and 1 door which are the subject of this current application remain unlawful, whilst those subject of the more recent CLEUD are lawful and no longer form a part of this

application.

It is considered that the windows and door in question harms the appearance of the building and the character and appearance of the wider Pimlico Conservation Area and are contrary to local and national policies and guidance.

The application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Nos. 21 (right) and 23 (left) Hugh Street, rear elevation, as seen from Hugh Mews.



No.21 Hugh Street, as viewed from rear yard



No.23 Hugh Street as viewed from rear yard

5. CONSULTATIONS

WARD COUNCILLORS FOR WARWICK:

Cllr Wilkinson: would like to address the planning committee and questions officers' statement that the frame profile, materiality and details [of UPVC windows] are 'much inferior' to sash windows.

WESTMINSTER SOCIETY: No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to the rear elevation of an unlisted pair of historic buildings of merit within the Pimlico Conservation Area, used for many years as a small hotel (no.23) with residential accommodation within no.21. No.21 is split between a small lower-ground floor flat, and a larger dwelling which occupies the ground and upper floors. Originally two separate mid-terrace dwellings, the hotel and larger dwelling are linked internally by a door at ground floor level, and share a rear yard which backs onto Hugh Mews which is a publically accessible private road.

All windows and external doors to the front elevation remain as original, whilst all windows and external doors to the rear elevation have been replaced with UPVC casement windows in recent years; all but two of those are the subject of this application.

The conservation area is characterised by regularly planned terraces of mostly medium-sized mid Victorian dwellings, built of brick and stucco to front elevations, with plainer stock-brick rear elevations.

Windows in the area, both historically and still today, are overwhelmingly painted timber sash windows, to both front and rear elevations. Whilst some windows have been replaced in the area, both lawfully and unlawfully, by a mixture of different window types including UPVC, the area retains a remarkable degree of architectural intactness compared with similar conservation areas, including the retention of original windows to both front and rear elevations.

6.2 Recent Relevant History

18/03499/CLEUD

Retention of upvc double glazed white Georgian rear first floor door and window
Application Permitted 5 July 2018

17/09800/CLEUD

Retention of double glazed UPVC windows at rear on first, second and third floor levels to both 21-23 Hugh Street
Application Refused 24 April 2018

10/10690/FULL

Erection of replacement conservatory at rear basement level and retention of rear decking to garden area.
Application Permitted 26 May 2011

03/05371/FULL

Erection of single-storey rear conservatory at basement level and replacement of windows to front basement and rear ground floor level.
Application Permitted 12 September 2003

7. THE PROPOSAL

Permission is sought to retain eight of the UPVC windows and one door to the rear which have been installed within the past four years.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No.23 is in use as a hotel (Class C1). The lawful use of no.21 is as two separate dwellings – one lower-ground floor flat, and one ground to third floor flat. Given that the property is in use as two flats it is not considered to be a 'single dwelling house' under the terms of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). In addition the upper flat has an internal link with the adjacent hotel (no.23). No. 21 therefore does not benefit from Permitted Development Rights which allows single family dwellings to carry out specific works without the need to apply for planning permission. Therefore permission is required for the replacement UPVC windows

8.2 Townscape and Design

No. 21 and 23 Hugh Street are attractive mid 19C former houses which form part of a longer terrace forming the eastern side of Hugh Street, within the Pimlico Conservation Area.

The terrace is located within an area of consistent townscape with rows of terraced houses with painted timber sliding sash windows, stuccoed ground floors and brick

upper floors. The buildings found on this street are good examples of their period and represent good examples of the wider Pimlico Conservation Area.

The buildings are plainer to the rear and feature projecting closet wings. As to the front elevation most properties to the rear retain their timber sash windows but some have been replaced without planning permission.

The windows across the entire rear of the application site, no 21 and 23, have been replaced with UPVC double glazed windows without the benefit of planning permission. This consists of 4 windows, 1 door, and set of 1 French doors to no.21, and 5 windows and 1 door to no.23. Of those to no.21, the ground floor door and window benefit from a Certificate of Lawfulness confirming that they have been in place for more than four years (RN: 18/03499/CLEUD), and that they are therefore lawful. They are therefore no longer part of this application to retain the remaining windows and door. This application also does not relate to the four dormer windows at third floor level, nor the front elevation.

This application proposes the retention of eight double glazed uPVC windows and one door to the rear elevation of both 21 and 23 Hugh Street. Policies DES 1, DES 5 and DES 9 of the City Council's UDP are of relevance. Paragraph 10.56 supporting DES 5 is of particular relevance in that it sets out the council's position regarding the replacement of windows:

"Replacement windows should be designed to complement the architectural style and detailing of the existing building. Where existing windows contribute to the townscape value of a building, they should be retained. If they must be replaced, the new windows should be exact copies of the originals. The use of uPVC or aluminium window will not normally be acceptable in such situations."

A number of appeals for the installation of plastic windows throughout Westminster and in particular within Pimlico Conservation Area have been lodged and dismissed in recent years.

In 2012, an Inspector dismissed a group of appeals relating to a collection of unlisted buildings outside of a conservation area in Portnall Road area of the City. Despite the lack of heritage designations, he found that, "the installations ... are harmful to the character and appearance of the appeal properties and the surrounding area".

In 2014 another inspector dismissed an appeal relating to a mansion block within the Portman Estate Conservation Area, for UPVC windows to the rear of the building. He found that, "They are much bulkier in their design and profile and their shiny smooth finish creates an uncharacteristically modern appearance. This is a stark contrast to the traditional design and materials of the remaining windows in the building. Whilst I acknowledge that the first floor flat has similar windows to that proposed, the Council has confirmed that these do not benefit from planning permission. As such, I attribute little weight to this matter" (PINS ref: X5990/A/14/2217609).

Very recently, in August 2018 an appeal in Shirland Road, within the Maida Vale Conservation Area, was dismissed for the replacement of timber sash windows with

UPVC. This case is notable to this current case due to the architectural similarities to Pimlico. The Inspector found that:

"The most significant difference between the windows which have been installed at the appeal site and those which are present elsewhere on the terraced buildings are the wide uPVC frames around the glazed panels. In combination with the characteristic white painted window stucco surrounds, these result in the glazed elements of the window appearing narrower than the prevailing width. The adverse impact on the appearance of the terraces is further exacerbated by the overall bulky appearance of the openings in comparison with those on neighbouring buildings in the terraces, arising from the use of uPVC elements with a wider profile than those normally associated with timber windows. Therefore the replacement windows are a jarring element within the rhythm of openings in the terrace which detracts from the character and appearance of the building and the conservation area" (PINS ref: X5990/W/18/3194969).

These are just a small selection of past appeal decisions relating to UPVC windows within Westminster, and both here and more widely throughout the country appeal inspectors have consistently found that UPVC windows are not an adequately close match to historic windows of various types, most notably including painted timber sash windows as here.

Historic England's guidance documents entitled, 'Energy Efficiency and Historic Buildings' (2011) and, 'Traditional Windows: Their Care, Repair and Upgrading' (2014 and republished 2017) emphasise that even the simplest repair and basic improvements will bring significant reduction in draughts and heat loss and that using a combination of these efforts will upgrade a window to meet Building Regulation targets. The guidance also notes the harmful impact poorly detailed windows can have on historic buildings. With particular respect to uPVC windows the 2017 guidance includes the following remarks:

"The different appearance and character of PVC-u windows compared to historic windows is highly likely to make them unsuitable for older buildings ... these windows are assembled from factory-made components designed for rigidity, thermal performance and ease of production. Their design, detailing and operation make them look different to traditional windows. Manufacturers have been unable to replicate the sections / glazing bars used in most timber and steel windows due to the limited strength of the material and the additional weight of the secondary glazing units."

Timber sash windows, as existed on this property previously, feature very slim profile frames, allowing the glazing to occupy a large proportion of the overall window opening. UPVC windows by contrast inevitably (due to the weaker strength of UPVC) have much broad profile frames, which narrows the size of the glazed 'voids' and thereby alters the architectural composition of the building. Furthermore, the perfectly smooth, 'moulded' finish and profile of UPVC frames exhibits none of the textural character of painted timber, and weathers differently. The windows installed at this property open in a fundamentally different manner to the vertically sliding timber sash windows which existed previously, in that the installed UPVC casement windows are hinged at the top, and swing outwards when open, so disrupting the building line and refinement of the elevation.

Finally but importantly, the original windows featured genuine timber glazing bars which held a number of separate panes of glass. These glazing bars added further texture and architectural definition to the windows, also breaking up the potential reflective effects of the glazing in a manner which almost makes the façade ‘twinkle’ due to the miniscule differences in the angle of individual panes of glass.

The installed windows have vainly attempted to copy this detail with flat plastic ‘astragal’ bars set internally within a single large double-glazed unit per window, resulting in an aesthetically very flat and poorly refined design, and a very monotonous, potentially glaring large expanses of singularly reflective glass.

This application is contrary to DES 1; DES 5 and DES 9 of the Westminster UDP; and DES 28 of our City Plan.

8.3 Residential Amenity

The application does not raise any amenity issues.

8.4 Transportation/Parking

The application does not raise any transportation issues.

8.5 Economic Considerations

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

8.6 Access

The proposal does not raise any accessibility issues.

8.7 Other UDP/Westminster Policy Considerations

There are none

8.8 Neighbourhood Plans

There is not currently a Neighbourhood Plan for Pimlico.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the

written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

8.11 Planning Obligations

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

The estimated CIL payment is zero.

8.12 Environmental Impact Assessment

There are no Environmental Impact Considerations raised by this proposal.

8.13 Other Issues

There are none.

(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

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 21-23 Hugh Street, London, SW1V 1QJ,

Proposal: Retention of 8no. replacement UPVC double-glazed windows and 1no. door across the rear elevation of both properties.

Reference: 17/07816/FULL

Plan Nos: HS03 (existing); HS03 (pre existing / proposed).

Case Officer: Andrew Barber

Direct Tel. No. 020 7641 7708

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

Because of their materials and detailed design the installed UPVC windows harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Pimlico Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and Policies DES 1, DES 5 and DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. The proposals are also contrary to paragraph 196 of the NPPF (2018). (X16AD)

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.
- 2 We know that the work for which we have refused permission has already been completed. We may take legal action to have the work removed and the building restored to how it was. (I25AA)

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	89 York Street, London, W1H 4QD		
Proposal	Installation of two Juliet balconies and French windows at rear ground floor level and the installation of a fanlight above the external entrance door.		
Agent	Mrs Liz Milan		
On behalf of	Mrs Liz Milan		
Registered Number	18/06754/FULL & 18/06755/LBC	Date amended/ completed	17 August 2018
Date Application Received	10 August 2018		
Historic Building Grade	II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

1. Grant conditional permission;
2. Grant conditional listed building consent;
3. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.

2. SUMMARY

The application relates to a Grade II listed building in the Portman Estate conservation area. Planning permission and listed building consent are sought for the installation of two Juliet balconies and French windows to a rear living room to the lower ground/ground floor duplex apartment and for the installation of a fanlight above the main external entrance door. Approvals for identical works expired on 8 June 2018. The works to the rear are also similar to those approved on neighbouring properties within the same terrace.

The key considerations are:

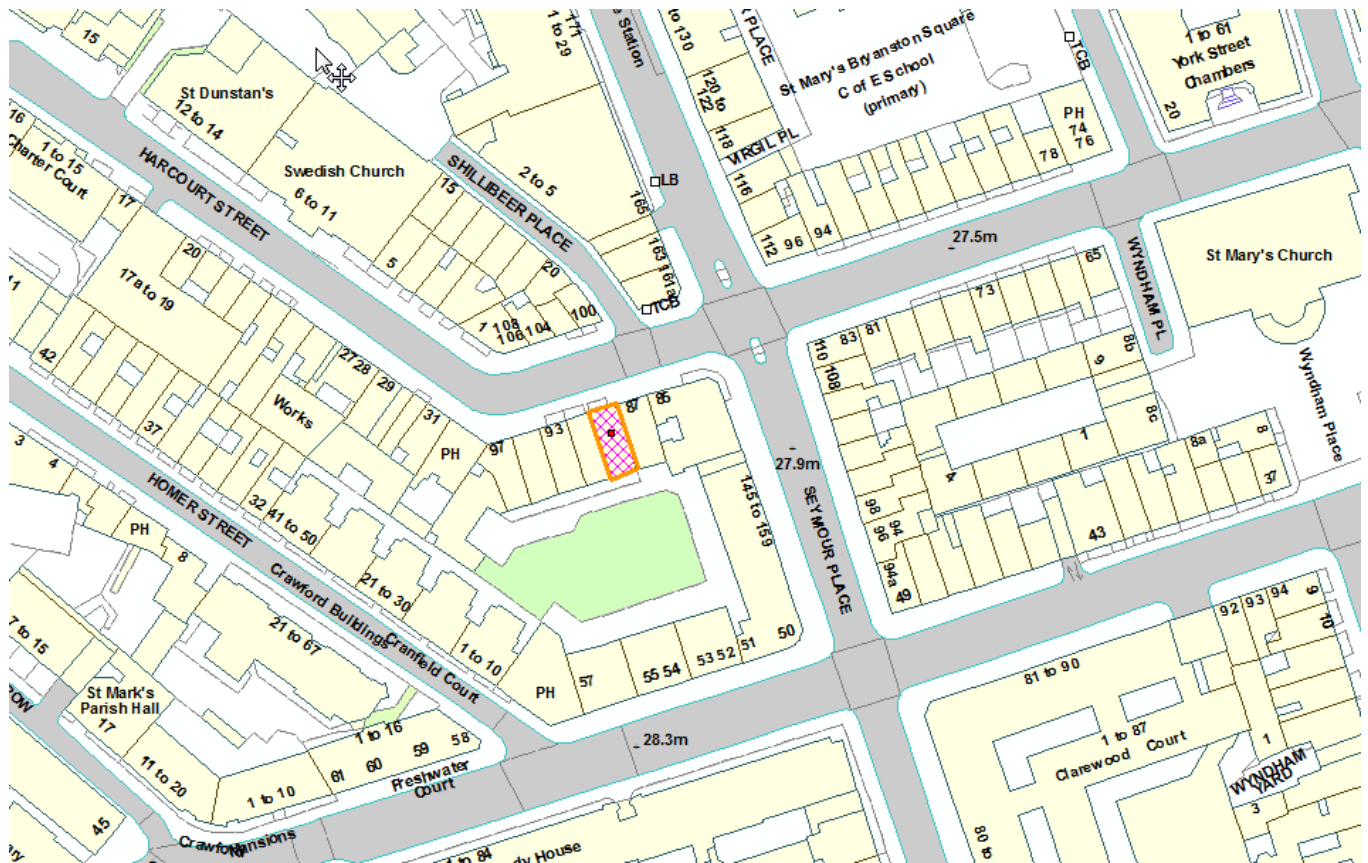
- the impact of the works upon the special interest of the listed building and upon the character and appearance of the Portman Estate conservation Area
- the impact of the development upon the amenity of neighbouring residential properties and
- the impact on an adjacent tree

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4

Objections have been received from neighbouring residents on the grounds that the proposals would lead to a loss of privacy and increased noise disturbance to neighbouring flats and their communal garden and would affect a magnolia tree in that garden. Objectors are also concerned about unacceptable construction noise.

As previously, the proposals are considered acceptable on design and amenity grounds and it is not considered that the neighbouring tree would be adversely affected. The scheme accords with relevant UDP and City Plan policies and the applications are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

THE MARYLEBONE ASSOCIATION:

Any response to be reported verbally

ARBORICULTURAL OFFICER:

Tree protection measures appear satisfactory in principle. Noted that the subject tree lies outside of the application site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 96 Total No. of replies: 16 No. of objections: 16 No. in support: 0

Objections on the following grounds:

- Increased loss of privacy
- Increased noise nuisance
- Impact on the magnolia grandiflora tree in neighbouring communal garden
- Impact of rainwater pipe
- Impact of building works

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 89 York Street is a Grade II listed building located within the Portman Estate Conservation Area. The building comprises lower ground, ground and two upper floors. The application relates to a duplex apartment on the two lower floors.

The rear of the building overlooks extensive communal gardens to the rear of Seymour Buildings. These gardens are bounded by properties in York Street, Seymour Place, Crawford Street and Homer Street. There is a semi mature magnolia tree within this garden, close to the application site.

6.2 Recent Relevant History

9 June 2015: Permission and listed building consent granted for the 'installation of two Juliet balconies and French doors, the replacement of the glazed roof to the rear and installation of fanlight above the front door'. (15/02505/FULL and 15/02506/LBC). Not implemented.

93 York Street

4 February 2014: Permission and listed building consent granted for the installation of new windows on rear elevation, alterations to front basement lightwell and ground floor entrance door, underpinning the vaults beneath the pavement to York Street. These works included the installation of Juliet balconies (13/11647/FULL and 13/11648/LBC).

95 York Street

19 April 2018: Permission and listed building consent granted for the use of the basement and ground floors as a 1 x 1 bedroom flat, and alterations including the creation of a Juliette balcony at rear ground floor level, creation of a lightwell at the front of the property with associated railings and alterations to the front and rear elevations (18/01185/FULL and 18/01186/LBC).

7. THE PROPOSAL

Planning permission and listed building consent are sought for the installation of two Juliet balconies and French windows/doors at rear ground floor level, serving the living room to the lower ground/ground floor duplex apartment, and for the installation of a fanlight above the main entrance door to the building.

The detailed design of the proposed windows has been revised to address officers' concerns. In addition, the revised drawings omit a new rainwater pipe on the rear elevation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application does not raise any land use issues.

8.2 Townscape and Design

The application building forms part of terrace dating from circa 1820 and has been substantially altered in the past, including at the rear where it is proposed to install two windows with French doors and Juliet balconies. At the front, a fanlight above the main entrance door is proposed.

In design and heritage asset terms, there is no objection to the proposed alterations which will maintain the special interest of the building and the character and appearance of the surrounding conservation area. The fanlight is a simple design similar to that next door (No. 91) and is acceptable in design and heritage asset terms. Likewise, the detailed design of the French doors and balconies is typical of their kind and they do not appear incongruous when seen from the gardens at the rear. The multi-pane glazing and black-painted metal railings suit the appearance of the building and surrounding conservation area.

The alterations accord with City Plan policies S25 and S28, UDP policies DES 1 DES 5, DES 9 and DES 10 and the council's 'Repairs and Alterations to Listed Buildings' supplementary planning guidance.

8.3 Residential Amenity

Objections have been received from the occupants of Seymour Buildings, at the rear of the site, on the grounds that the proposal will result in an increased loss of privacy and increased noise disturbance to the neighbouring communal gardens and flats, exacerbating problems that have occurred as a result of similar works to neighbouring properties. Objectors are also concerned about noise disturbance during the course of construction.

The neighbouring communal gardens are already significantly overlooked from the rear of Seymour Buildings itself and by other properties in neighbouring streets. In these circumstances, as previously, the proposed French windows and Juliette balconies, which would also be obscured in views to and from the gardens by the adjacent tree, would not result in any significant increase in the degree of potential overlooking to the gardens.

Additionally, as all windows overlooking the gardens have the potential to be opened, the installation of new French windows would not have a significant adverse impact upon the levels of noise generated to a degree that would affect the enjoyment of the gardens or the amenity of neighbouring flats.

Objectors have also expressed concern that the application does not specify the size of the proposed balconies and have referred to the impact of a projecting balcony at the rear of 95 York Street. Juliette balconies are, effectively, railings to prevent falls from open windows/doors. They do not incorporate a balcony 'floor'. The balcony at no 95 projects slightly further from the face of the building than shown on the approved plans and is the subject of investigations by the Planning Enforcement Team. Applications have been submitted for its retention.

Although there is potential for building works to result in some noise disturbance, the works are relatively modest in nature and any impact could be ameliorated by the imposition of the standard hours of work condition. In these circumstances, concerns regarding the impact of the development upon residents' amenity could not reasonably form the basis of a recommendation for refusal.

8.4 Transportation/Parking

Not relevant

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed

8.6 Access

The access arrangements to the property remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

Trees

Objectors are concerned about the impact of the development upon the semi-mature magnolia tree and other planting in the neighbouring communal garden at the rear of the site.

The applicant has submitted an arboricultural method statement detailing how the neighbouring tree will be protected during the building works. This report has been reviewed by the Council's Arboricultural Officer who considers that the proposed tree protection measures appear acceptable in principle, although some drawings within the report and details of the proposed protective fencing are inconsistent. However, it is noted that the tree is located beyond the application site, outside of the applicant's control. In these circumstances, a condition relating to tree protection measures would not be appropriate or enforceable. Nevertheless, in commissioning a report in the first instance, the applicant has demonstrated an awareness of the need to safeguard the tree. They will need to seek the agreement of the landowners to access to garden to undertake any works and issues surrounding the protection of the tree will be a private matter between the two parties.

An informative is recommended reminding the applicant of the need, if tree works are proposed, to make a section 211 notification at least six weeks prior to the carrying out of any works. Furthermore, permission will be required by the owner of the tree's owner prior to the submission of any such notification.

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. The proposal is not CIL-liable.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Several objectors have expressed concern that residents of Seymour Buildings were not directly consulted in relation to proposals to install French windows and Juliette balconies in neighbouring properties at 93 and 95 York Street. While it appears that

neighbour consultations were not undertaken, a site notice was posted and an advertisement was placed in the local press. These concerns are not directly relevant to consideration of the current application. Permission was granted for the alterations to the application property in 2015. Records show that 127 neighbour consultations were undertaken. Two objections were received on the grounds that the proposals would have an adverse impact upon the amenity of the neighbouring communal garden.

Objections have been received on the grounds that works have already been carried out to implement the current proposals. The applicant has confirmed that minor work was undertaken in connection with the installation of the fanlight on the front façade but that this work has ceased (and the space boarded up) pending consideration of the current application. No work has been undertaken at the rear.

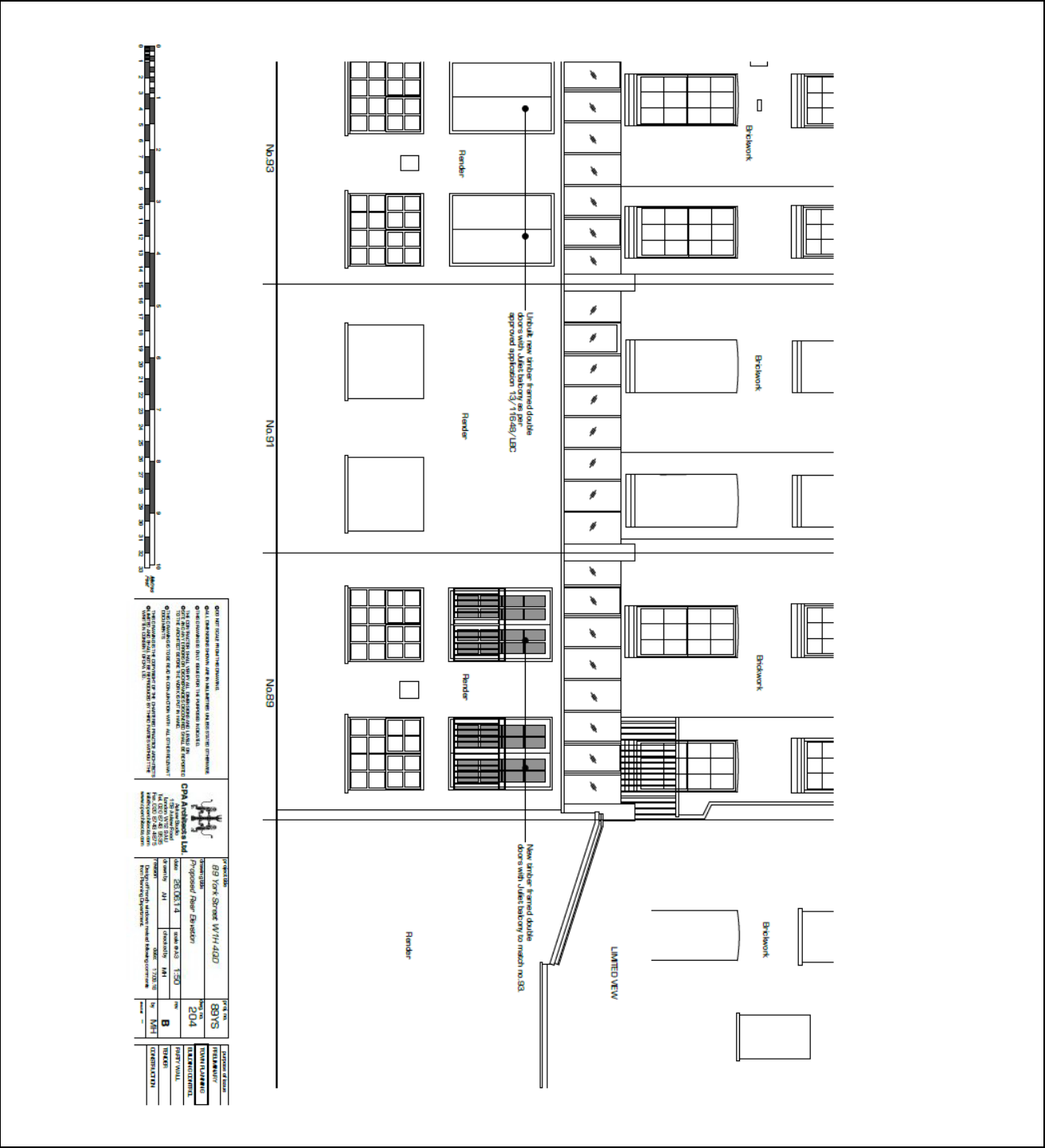
A new rear rainwater pipe has been omitted from the revised rear elevation. This addresses objectors' concerns about the impact of water discharging from this pipe upon the adjoining communal garden.

Objectors consider that the applicants are using views of the adjacent communal gardens to increase the value of their own property. This is not a material planning consideration and permission cannot be refused on these grounds.

(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

KEY DRAWINGS



DRAFT DECISION LETTER

Address: 89 York Street, London, W1H 4QD

Proposal: Installation of two Juliet balconies and French windows at rear ground floor level and installation of a fanlight above the front entrance door to the building.

Reference: 18/06754/FULL

Plan Nos: 204 REV B, 301a

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 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 Portman Estate 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 The approved railings are to be painted black and maintained in this form for as long as they remain in place.

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 Portman Estate 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 All new windows and glazed external doors must be formed in white painted timber and single glazed.

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 This site is in a conservation area and the proposed works are very close to a small Magnolia tree. Notwithstanding the proposal in your tree report for surgery to the magnolia tree T1, we cannot agree this work as part of this planning permission because the tree is outside of the site boundary. By law you must write and tell us if you want to cut, move or trim this tree or any of the other trees in the communal garden. You must make a separate section 211 notification at least six weeks prior to carrying out any tree work. You are advised to obtain the permission of the owner of the tree prior to submitting this section 211 notification. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922.

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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.

DRAFT DECISION LETTER

Address: 89 York Street, London, W1H 4QD,

Proposal: Installation of two Juliet balconies and French windows at rear ground floor level and installation of a fanlight above the front entrance door to the building.

Reference: 18/06755/LBC

Plan Nos: 204 REV B, 301a

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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

- 1 The works 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 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 protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 3 All new windows and glazed doors to be white painted timber with single-glazing.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 4 The approved railings are to be painted black and maintained in this form for as long as they

remain in place.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

5 The works approved are only those shown on the drawings listed on this decision letter.
(R26NA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

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It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.

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