



City of Westminster

# Committee Agenda

Title:

**Planning Applications Sub-Committee (2)**

Meeting Date:

**Tuesday 9th April, 2019**

Time:

**6.30 pm**

Venue:

**Rooms 18.01 & 18.03, 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP**

Members:

**Councillors:**

Robert Rigby (Chairman)  
Louise Hyams  
Guthrie McKie  
James Spencer



**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 a pass, 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 7513; email: [gwillis@westminster.gov.uk](mailto:gwillis@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://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.

**(Pages 5 - 8)**

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

Members of the public are welcome to speak on specific applications at planning committee meetings.

To register to speak and for guidance please visit:

[www.westminster.gov.uk/planning-committee](http://www.westminster.gov.uk/planning-committee)

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

#### **1. 31 SALTRAM CRESCENT, LONDON, W9 3JR**

**(Pages 11 - 38)**

#### **2. HORSE AND DOLPHIN YARD, LONDON**

**(Pages 39 - 54)**

#### **3. 194 QUEEN'S GATE, LONDON, SW7 5EU**

**(Pages 55 - 68)**

**Stuart Love**  
**Chief Executive**  
**29 March 2019**

## Order of Business

At Planning Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Ward Councillor(s) and/or MP(s)
vi) Council Officers response to verbal representations
vii) Member discussion (including questions to officers for clarification)
viii) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

## MINUTES

### Planning Applications Sub-Committee (2)

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** Committee held on **Tuesday 19th March, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Melvyn Caplan, Guthrie McKie, Selina Short and James Spencer.

#### 1 ELECTION OF CHAIR

- 1.1 Councillor Melvyn Caplan was nominated to be Chairman of the Sub-Committee and was duly appointed.

#### 2 MEMBERSHIP

- 2.1 Apologies were received from Councillors Robert Rigby and Louise Hyams. Councillors Melvyn Caplan and Selina Short attended as their replacements respectively.
- 2.2 The Committee wished to record its thanks to Mike Chatten, Area Team Leader, for his work in support of Planning Committees over many years, and wished him well in his retirement.

#### 3 DECLARATIONS OF INTEREST

- 3.1 The Chairman explained that a week before the meeting, all seven Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the

issue and comments made by correspondents in the papers read prior to the meeting.

3.2 No declarations were made.

## **4 MINUTES**

### **4.1 RESOLVED:**

That the Minutes of the meeting held on 26 February 2019 be signed by the Chairman as a correct record of proceedings.

## **5 PLANNING APPLICATIONS**

### **1 103 OXFORD STREET, LONDON, W1D 2HF**

Redevelopment behind retained and refurbished facades, demolition and reconstruction of the interior of the building, alterations to shop fronts and reconstruction of the existing mansard and erection of a new sixth floor level plus rooftop plant room, in connection with the use of the basement, ground and first floor levels for retail purposes (Class A1) and offices (Class B1) on upper levels above.

Further representations were received from the Safeguarding Officer, TfL (08.03.19).

The presenting officer tabled the following proposed amended condition:

#### **“Condition 15**

Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the retail accommodation hereby approved at ground, basement and first floor levels shall not be used for ~~convenience retail~~ / **retail** supermarket purposes.

[No change to reason for condition]”

Mr Joseph Wilson addressed the Sub-Committee and spoke in support of the Application.

### **RESOLVED UNANIMOUSLY:**

That conditional permission, as amended, be granted, subject to a condition to secure a carbon offset payment of £17,608 (index linked), payable prior to commencement of the development.

## **2      39 HILL STREET, LONDON, W1J 5LZ**

Alterations to all elevations of the property to include the installation of balconies and extended windows to create doors; installation of plant at main roof level and lower ground floor level; use of lower ground floor as 6 residential flats (Class C3) and reconfiguration of the existing residential units on the upper floors of the property; extension at lower ground floor level within the existing lightwell and at all floor levels on the Hay's Mews elevation; alterations at main roof level including the creation of an internal residential amenity space. (SITE INCLUDES 27A HAY'S MEWS)

Mr Nick Sharpe addressed the Sub-Committee and spoke in support of the Application.

### **RESOLVED:**

**Grant: Councillors Caplan, Short and Spencer**

**Refuse: Councillor McKie**

That conditional permission be granted including a condition to secure mitigation of the potential increased demand for on street residents' car parking.

## **3      46 BROADWICK STREET, LONDON, W1F 7AF**

Installation of a Closed Circuit Television Camera (CCTV) to the front elevation at first floor level. [RETROSPECTIVE APPLICATION]

Further representations were received from Shaftesbury PLC (12.03.19), and Cllr Jonathan Glanz, Ward Member (12.03.19).

Late representations were received from Cllr Pancho Lewis, Ward Member (15.03.19).

Jan Donovan addressed the Sub-Committee and spoke in support of the Application.

### **RESOLVED UNANIMOUSLY:**

That temporary permission and listed building consent be granted for three years; with an informative to explain the Committee's expectations for an alternative solution or location. The informative will be approved by the Chairman prior to being issued.

## **4      BASEMENT AND GROUND FLOOR, 42 MARYLEBONE HIGH STREET, LONDON, W1U 5HD**

Installation of 4 x condensing units at rear lower ground floor level in shared service yard. (RETROSPECTIVE APPLICATION).

Further representations were received from a local resident (14.03.19).

Late representations were also received from the local resident (18.03.19).

A local resident addressed the Sub-Committee and spoke in objection to the Application.

**RESOLVED UNANIMOUSLY:**

That consideration of the application be deferred, to permit the remaining plant to be removed and the four units to be reassessed.

The Meeting ended at 7.53 pm.

**CHAIRMAN:** \_\_\_\_\_ **DATE** \_\_\_\_\_



CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 9th April 2019  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN(s):</b> 18/10570/FULL  Harrow Road	31 Saltram Crescent London W9 3JR	Erection of four storey side extension and two storey building at end of garden fronting Malvern Mews; alterations to boundaries; installation of waste and cycle storage within front garden; all in association with the creation of two residential dwelling houses (1 x 3 bed and 1 x 2 bed) (Use Class C3).	
	<b>Recommendation</b> Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
2.	<b>RN(s):</b> 18/10415/FULL  St James's	Horse And Dolphin Yard London	Use of central canopy area measuring 15.75m x 3.75m for placing of 15 tables 60 chairs and a waiter's station as additional restaurant seating in connection with the restaurant at 9 Horse and Dolphin Yard	
	<b>Recommendation</b> Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
3.	<b>RN(s) :</b> 18/09243/FULL  Knightsbridge And Belgravia	194 Queen's Gate London SW7 5EU	Erection of roof extension to create new sixth floor and alterations to rear at fifth floor level in connection with the enlargement of the fourth and fifth floor maisonette (Flat 7).	
	<b>Recommendation</b> Grant conditional permission			

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# Agenda Item 1

Item No.

**1**

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 <sup>th</sup> April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Harrow Road	
Subject of Report	31 Saltram Crescent, London, W9 3JR,		
Proposal	Erection of four storey side extension and two storey building at end of garden fronting Malvern Mews; alterations to boundaries; installation of waste and cycle storage within front garden; all in association with the creation of two residential dwelling houses (1 x 3 bed and 1 x 2 bed) (Use Class C3).		
Agent	Jon Dingle		
On behalf of	Soho Housing Association		
Registered Number	18/10570/FULL	Date amended/ completed	18 December 2018
Date Application Received	14 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Outside		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Permission is sought for the erection of two new houses, 1x 3 bed four storey building facing Saltram Crescent and 1x 2 bed two storey building facing Malvern Mews, alterations to the boundary treatments at Saltram Crescent and Malvern Mews and the erection of waste and cycling storage to the front garden on Saltram Crescent. During the course of the application, re-consultation was undertaken following the receipt of a revised red line plan which included Malvern Mews.

The application has attracted objection from 21 neighbouring residents on a range of grounds set out in section 5 of this report, the Highways Manager on the grounds of vehicle and cycle parking and the Arboriculture Officer regarding harm to T2 in a neighbouring garden..

The key issues are:

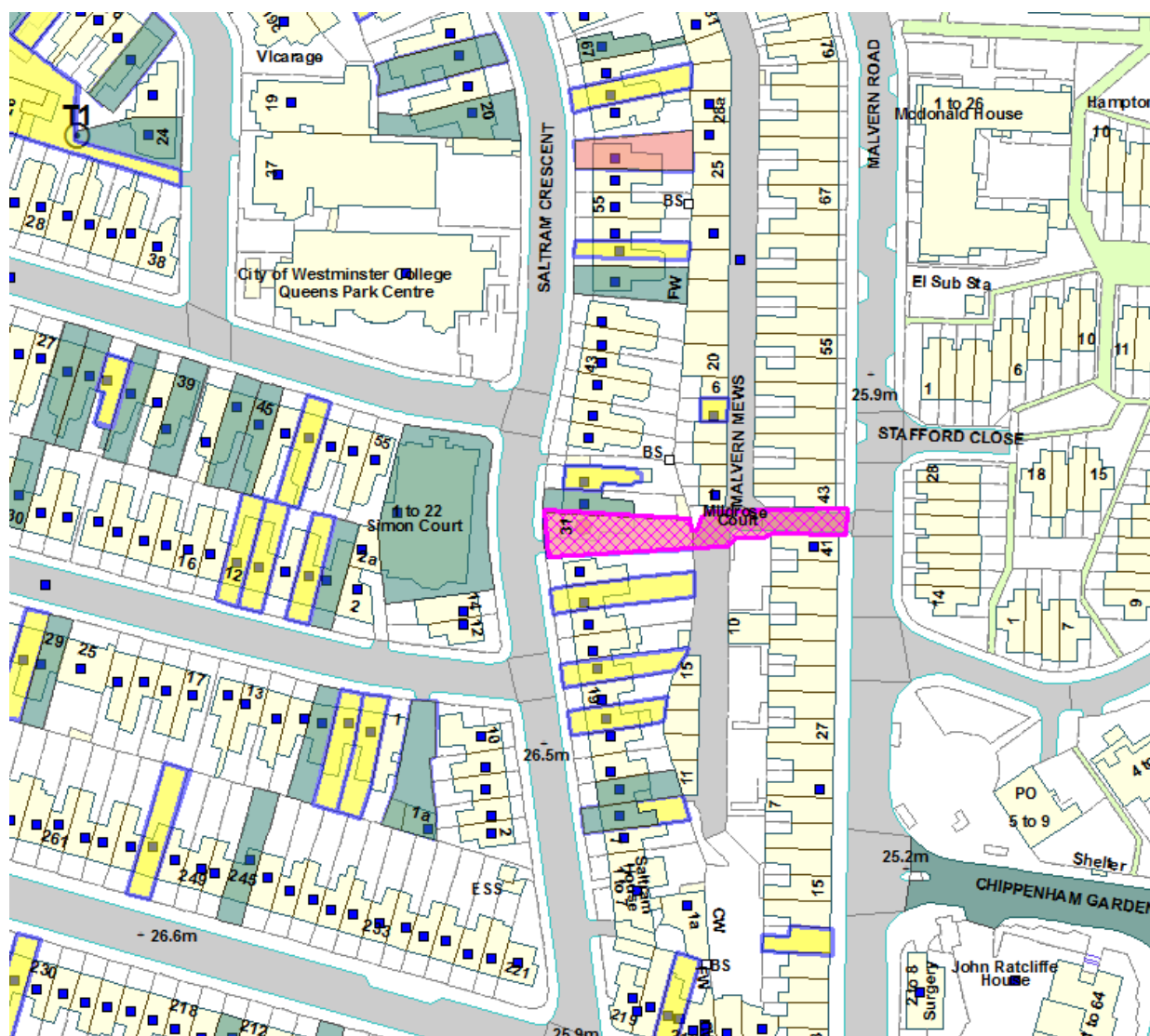
- The impact of the proposed development on the character and appearance of the local townscape.
- The impact of the proposed development on the amenity of neighbouring occupiers

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- The impact of the proposed development on the Highway Network.

The proposed development is considered to be acceptable in land use, design and amenity terms and, subject to the recommended conditions, it is considered to comply with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and in Westminster's City Plan adopted in November 2016 (the City Plan).

## 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS

View of the application site from Saltram Crescent



**Area to the rear of the site where the two bedroom dwelling would be located**





Rear of site viewed from Malvern Mews





## 5. CONSULTATIONS

### *CONSULTATION RESPONSES TO THE FIRST ROUND OF CONSULTATION*

#### WARD COUNCILLORS FOR HARROW ROAD:

Any response to be reported verbally.

#### NORTH PADDINGTON SOCIETY:

Any responses to be reported verbally.

#### MAIDA HILL NEIGHBOURHOOD FORUM:

Any responses to be reported verbally.

#### HIGHWAYS PLANNING MANAGER:

Raise objection on the grounds that the proposal does not provide enough car parking to serve the new housing and that the cycle storage for the two bedroom house is inadequate.

#### WASTE PROJECT OFFICER:

Raise no objection to the proposed revised storage arrangements for waste and recyclable materials, as shown on drawing number 1100 Rev 02. The storage arrangements are in line with the requirements of the City Council.

#### LONDON BOROUGH OF BRENT:

Raise no objection.

#### BUILDING CONTROL:

No objection however raise the following comments:

- A protected stair should be provided serving all floors and a sprinkler system should be installed throughout for a four-storey house with no alternative exit on the top floor.
- For a two-storey house, a protected stair should be provided serving all floors or the bedrooms on the first floor must be provided with suitable alternatives means of escape. Guidance can be found in Approved Document B.
- These matters are for the applicant to resolve when they submit a Building Regulation application to a Building Control Body.

#### ARBORICULTURAL OFFICER:

An objection has been raised on the grounds that the works may restrict the growth of a tree in a neighbouring garden. If officers are minded to approve please include conditions to secure further tree protection details.

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

No. Consulted: 52

Total No. of replies: 21 objections on one or more of the following grounds.

#### Design

- Incongruous architecture
- Height and style of the building facing Saltram Crescent unacceptable
- Not in keeping with the character of Saltram Crescent

- Loss of gap between buildings
- Property facing Malven Mews not in keeping with the mews.
- Loss of open space
- Over development of the site/plot

#### Amenity

- Overlooking
- Loss of light
- Overshadowing
- Sense of enclosure
- Loss of view of the sky between No. 29 and 31 Saltram Crescent

#### Highways/Parking

- Increased pressure on parking
- Lack of cycle parking in the two bed property

#### Other

- Loss of vegetation and wildlife on the site following the removal of the existing plants
- Logistics of building a house in Westminster which is accessed via Brent have not been addressed
- Works/excavation adjacent to boundary with neighbouring properties
- Disruption to residents during the course of the works including noise and traffic
- Harm to the cobbled mews

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

#### *CONSULTATION RESPONSES TO REVISED RED LINE TO INCLUDE MALVERN MEWS*

#### BRENT COUNCIL:

The London Borough of Brent, the Local Planning Authority, have considered the proposal and have NO OBJECTION.

#### ADJOINING OWNERS/OCCUPIERS:

No consulted: 60

No responses: 1 objection was received on the grounds that the plans as the proposed building looks out of character compared to the Victorian style architecture and height of the buildings on Saltram Crescent. It also ruins the uniformity of the crescent, one of it's key architectural features. The space is better used as intended, as a garden.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site lies on the eastern side of Saltram Crescent. It is not located within a conservation area and there are no listed buildings in the immediate vicinity. The plot comprises a narrow piece of hard landscaped land located between the two

neighbouring buildings, leading to a larger open area to the rear. The rear boundary of the site fronts Malvern Mews.

Saltram Crescent is predominantly residential and is characterised by a variety of Victorian terraces of different scales and displaying comparable architectural detailing. The application site demarks a change in scale of the existing built form with the terraces to the north of the site being of three stories starting at ground floor level with pitch roofs and rear closet wings, whereas those to the south of the site are characterised by three storey terraces at a lower height, including lower ground floor level and distinctive butterfly roofs.

Malvern Mews to the north east of the site has a typical mews character, with cobbled streets and two storey buildings fronting the mews. Historic maps show that historically a building was likely located in the proposed location of the mews style building, however this is no longer present.

The existing use of the site is an unallocated car park. The space was originally linked to the three residential flats at 31 Saltram Crescent by a condition placed on the planning permission dated 15<sup>th</sup> August 1995 (RN: 95/04829/FULL) for 'Conversion of 3 storey single dwelling to 3 self-contained flats; associated external alterations.'

In 2015 a certificate of lawfulness application was approved by the City Council confirming that the three flats at 31 Saltram Crescent had been occupied for over ten years without the occupants having access to the car parking and therefore the continued use of the building as three flats without compliance with Condition 2 of the permission dated 15 August 1995 is lawful by virtue of Section 171B of the Town and Country Planning Act 1990 (as amended).

The lawful use of the site an unallocated car park.

## 6.2 Recent Relevant History

### 95/04829/FULL

Conversion of 3 storey single dwelling to 3 self contained flats; associated external alterations.

Application Permitted                      15 August 1995

### 15/09892/CLEUD

Use as three flats without compliance with Condition 2 of planning permission dated 26th July 1996 which required the provision of 3 car parking spaces to the rear for use by occupiers of the flats.

Application Permitted                      6 January 2016

### 18/05443/FULL

Erection of four storey side extension and two storey building at end of garden fronting Malvern Mews; alterations to boundaries; installation of waste and cycle storage within front garden; all in association with the creation of two residential dwelling houses (1 x 3 bed and 1 x 2 bed).

Application Withdrawn                      16 August 2018

## 7. THE PROPOSAL

The building fronting Saltram Crescent will be 3 storeys plus roof storey, with the front elevation set back from the front built line of the building to the north with a GIA of 95.5 sqm. The roof form, which has been designed as a mansard, sits within the built envelope of the building to the north whilst the rear elevation projects beyond the established rear built line. Each floor level contains a single fenestration on the front and rear elevations and two roof lights are proposed in the centre of the front and rear elevations which span the full height of the roof, over the knee. The material palette of the building consists of brick, which will be laid decoratively, stone lintels and slate roof tiles.

To the front of the building the existing brick, low boundary wall, will be continued to create a formal boundary to the site with an off centred pedestrian opening. Immediately behind the front wall sits an enclosed bin and bike store which will have a green roof. To the rear of the site the area has been subdivided with timber fencing to create private gardens.

The building fronting Malvern Mews is of two storeys, with the upper storey having semi-pitched roofs to reduce the overall height and mass of the building with a GIA of 83.5 sqm. The front elevation incorporates an existing boundary wall with discreetly scaled fenestration, whilst the rear elevation has a larger opening at ground floor level and obscured windows on the upper level. The building uses a combination of brickwork, laid in a decorative way, and timber cladding. One side of the pitched roof will contain a green roof, whilst the other side will be slate.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Policies H3 of the UDP and S14 of the City Plan seek to encourage the provision of additional residential floor space throughout the borough. S14 states that residential use is the priority across Westminster except where specifically stated. H5 of the UDP and S15 of the City Plan seek to ensure that developments deliver a mixture of housing sizes and tenures. S12 of the City Plan relates to the North Westminster Economic Development Area (NWEDA) and states development should contribute to increasing economic activity within the area, or providing local services, or improving the quality and tenure mix of housing.

The proposed scheme would introduce two new houses, 1x 3bed family sized dwelling and 1x 2bed dwelling, both of the houses are in accordance with the nationally described space standards, provide some private outdoor amenity space and therefore are considered to deliver new, high quality housing in accordance with the aforementioned policies relating to housing.

Objections have been raised on the grounds that the works would lead to an over development of the site which is out of keeping with the character of the area. Historic maps demonstrate that the site originally had buildings on it and was not 'garden land'

as detailed in the design section of the report. Additionally the density of the site following the development would not exceed what is considered appropriate in this part of city and is in accordance with the City Councils adopted policies and the London Plan.

## 8.2 Townscape and Design

### *Legislation and Policy:*

The proposals have been considered in relation to policies DES 1 and DES 4 of the UDP and Policy S28 of the Westminster City Plan. Of particular relevance is UDP policy DES 4 which seeks to ensure the highest quality of new development in order to preserve or enhance the townscape. The policy sets out considerations whereby new infill development must have regard to the prevailing character and quality of the surrounding townscape specifically noting that the development conforms or reflects established boundary lines and local scale, storey heights and massing of adjacent buildings, characteristic frontage plot widths, roof profiles including silhouettes of adjoining buildings, distinctive forms of prevalent architectural detailing and type of characteristic materials. Part (H) also notes that where there is the existence of a set piece or unified architectural composition or significant building groups new development should conform or reflect the design characteristics.

### *Assessment:*

The design of the scheme has raised objections from local neighbours. With regards to Saltram Crescent one respondent has questioned the reference to Saltram Crescent being architecturally 'unremarkable' within the applicants planning statement. The City Council acknowledges that Saltram Crescent contains Victorian terraces which positively contribute to the character and appearance of the area. The setting of the site has been considered as part of the application assessment. A number of comments state that the new building fronting Saltram Crescent contrasts with the Victorian houses on Saltram Crescent and will have an impact on the character of the road. Additionally, they note the existing gap between the two terraces makes a positive contribution to the road, allowing for the change in scale of the buildings, with the resultant gap left in between the buildings is too narrow and awkward.

The form, scale and massing of the building fronting Saltram Crescent is considered to be in accordance with the aims of UDP policy DES 4. The height of the building allows it to comfortably transition from the buildings to the north, to the lower terrace immediately to the south of the site. Furthermore the proposed height prevents competition with the existing terraces, allowing the infill building to be perceived as a later addition to the site.

The built lines are in keeping with those along the terrace, whilst setting the front elevation back allows the northern terrace to remain prominent in the streetscene. Whilst there is currently a townscape gap, it is not considered this was intended to provide views to the terrace behind, rather a tool to address the curve in the road when constructing terraced properties. In response to the objections raised, the loss of the gap is not considered to result in the loss of a high quality public realm view and due to the height and set back of the building line the infill building allows for the townscape gap to be interpreted by respecting the prominence of the existing terraces.

The design approach is considered to respond to the prevailing architectural character of the neighbouring Victorian terraces; the architectural detailing such as recessed

windows, stone lintels and brickwork references the surrounding terraces whilst not replicating them, which is appropriate in this instance. The brickwork is shown as being laid in a herringbone bond, which does not follow the brick bond on the neighbouring terraces however this will add some visual interest to the building and is supported. Sample panels are requested by condition to ensure the bricks and details are in keeping with its setting. The fenestration are reflective of those on the northern terraces in terms of their proportions and scale, whilst the rooflights have a more contemporary approach in extending over the knee of the mansard roof. This approach is acceptable in the context of a new addition within the streetscene.

Concerns have been raised with the principle of a building at the rear of the site fronting Malvern Mews as in this location it could be perceived as being a building set within a garden, which is not characteristic to the rear of Saltram Crescent. Additionally objections have been raised on the grounds the mews building does not fit in with the character of Malvern Mews.

The footprint of the building fronting Malvern Mews approximately replicates the building that historically stood in this location. By incorporating the existing boundary wall the established building line is being retained, whilst to the rear the depth of the building is not considered to result in a large loss of external 'garden' space. The form of the building is reflective of a mews building, having been kept to a subservient scale of 2no storeys in relation to the buildings on Saltram Crescent. Furthermore the scale is reflective of the mews terraces within Malvern Mews itself. The roof has been pitched in reference to the pitched roofs found within the wider setting, whilst reducing the mass of the building. This approach is considered to be appropriate for the setting and the inclusion of a green roof is welcomed as it visually softens the building when seen in private views. In terms of detailed design, the prevention of amenity implication has resulted in the location, scale and design of the fenestration, however they are in keeping with those found on the surrounding terraces and do not visually dominate the building. The use of both brick and timber cladding identifies the building to its wider setting whilst acknowledging that it is a subservient building within a garden area. The building is considered to be in keeping with the aims of UDP policy DES 4. Details of the materials and details will also be requested by condition.

The alterations to the front boundary treatment along Saltram Crescent and the proposed works within the front garden are in keeping with the features within the street scene and will allow the new building to comfortably integrate into the setting. The green roof to the bike store should be secured by condition and details of the brick work and paving requested. Similarly at the rear the subdivision of the garden spaces is shown to be via timber garden fences, which is appropriate for the setting.

The proposals are considered to comply with UDP policies DES 1 and DES 4 as well as City Plan policies S28.

### **8.3 Residential Amenity**

ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and environmental quality. ENV13 of the UDP specifically seeks to protect existing residential dwellings from a loss of sunlight/daylight, an increased sense of enclosure or overlooking.

### **Sunlight and Daylight**

Objections have been received regarding a loss of light for neighbouring residential properties to the north and south of the site, the opposite side of Saltram Crescent, and properties on Malvern Road and Malvern Mews which have rear windows facing the site.

The applicant has provided a detailed sunlight and daylight report assessing both Vertical Sky Component (VSC) and No Sky Line Contour (NSC).

BRE guidelines suggest that, post development, properties should enjoy at least 27% VSC or that VSC is reduced to no less than 0.8 times its former value. Similarly the guidelines suggest that any reduction in NSC should be no greater 0.8 times the former value.

The daylight/sunlight report demonstrates that for the vast majority of affected windows there will no reduction in VSC or the reduction would be no greater than 0.8 times the former value and therefore acceptable.

The only window which fails in VSC terms is a ground floor window at No. 1 Malvern Mews (window W02-L), which is located directly below the first floor balcony and is identified as having a reduction of 50% its former value. However, this window already experiences low levels of light (VSC of 3.3). Due to its location beneath a balcony, any losses will result in large VSC variations. The applicant has undertaken an additional assessment with the balcony removed, which then indicates an acceptable level of VSC loss (0.9 its former value). This window serves a living area, but is also served by other windows. Given the room is dual aspect, and given that the window already has low levels of light due to its location under a balcony, it is not considered that refusal on the grounds of this window could be sustained.

A window in the side elevation of 31 Saltram Crescent at ground floor level is being blocked, the room is dual aspect with the main window on the rear elevation of the building. The window would retain an acceptable VSC level, the loss of the window is therefore acceptable on balance.

### **Sense of Enclosure**

Objections have been received from neighbouring residential properties on the grounds that both of the new buildings would reduce residents views of the sky, trees and result in increased sense of enclosure.

The property fronting Saltram Crescent sits back from the established built line at the front elevation, to the rear the building extends marginally beyond 29 and 31 Saltram Crescent. Due to the position of the proposed building and the locations of the windows on the rear elevations of the neighbouring buildings it is not considered that the new property would cause the occupiers of the neighbouring properties to feel closed in.

The two storey property facing Malvern Mews is set significantly below the ground level of the existing 31 Saltram Crescent property and would sit at a level similar to the terrace to the south of the site which begins at 29 Saltram Crescent. Objections have been received from ground floor flats to the north and south of the site on the grounds that the new two storey building would appear over bearing and obstruct existing views of the

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surrounding area. The case officer visited all of the directly adjacent ground floor properties. Given the pitched green roof of the building, the setting of the building at a lower ground level than the existing buildings to the north and given the presence of the significantly larger buildings on Malvern Road it is not considered that a refusal of the application on the grounds of sense of enclosure would be reasonable.

At the existing boundary between the application site and No. 29 Saltram Crescent to the south the existing boundary fence would be increased in height by approximately 1-1.7 meters. Given the change in height between the site and No. 29 Saltram Crescent the boundary when viewed from the ground floor of 29 Saltram Crescent would be approximately 2.9 meters high. The increased height would be noticeable from within the ground floor flat of No. 29 Saltram Crescent, however the outlook to the rear garden would be maintained from the window on the rear elevation. The boundary treatment at 31 Saltram Crescent would be below what would be acceptable under permitted development and the distance between the properties is greater than in a normal terrace due to the gap between the buildings which is maintained. Accordingly, on balance it is not considered that the increased height of the boundary treatment is unacceptable.

### **Privacy**

Objections have been received on the grounds that the two mews storey property would increase overlooking between the first floor rear windows and the rear of the buildings on Saltram Crescent. The windows in the northern part of the building are obscure glazed to head height which would prevent overlooking towards the buildings directly opposite and to the north.

The first floor window to the south of the proposed mews building on the rear elevation is set back behind enlarged returns and is obscure glazed on the bottom half of the window. Given the distance between properties, the oblique views offered and the mitigation measures put in place by the applicant it is not considered the window would harm the privacy of the properties on Saltram Crescent.

A condition is recommended to ensure that the building is not occupied until details of the opaque glazing have been submitted and approved by the City Council.

### **Other amenity objection**

Objections have been received from the flat opposite the application site on Saltram Crescent on the grounds that the view of the sky between the two buildings would be lost. It is recognised that the view between the buildings would be lost, however the properties would retain acceptable levels of light and such views are not protected under regulations.

Objections have also been raised on the grounds that a lengthy construction project would harm the amenity of neighbouring residential properties due to increased noise, disturbance etc. The standard conditions relating to hours of works have been added to the permission. The applicant has also agreed to sign up to Westminster's Code of Construction Practice, which will be secured by condition. These conditions will help to manage the construction process and to reduce the impact on neighbouring residents. It is also recommended to advise the applicant to sign up to the Considerate Constructors scheme.



#### 8.4 Transportation/Parking

The Highways Manager has raised an objection to the works on the grounds that the existing hard standing is car parking for the existing property and that no parking for the units is being provided.

In 2015 a Certificate of Lawfulness was granted for 'Use as three flats without compliance with Condition 2 of planning permission dated 26th July 1996 which required the provision of 3 car parking spaces to the rear for use by occupiers of the flats.'

The certificate confirmed that the area had not been used for residents parking for a period of more than ten years and that the occupants of the flats had no access to the area in their long term leases. It is therefore not considered that refusal on the grounds of the loss of this parking could be sustained.

To the front of the site on Saltram Crescent there is an existing dropped curb which is to be removed allowing the reinstatement of two on street residential parking bays. The Highways Manager has stated that this does not mitigate against the objection to the introduction of additional units without designated parking.

However, it is considered on balance that given the proximity of the new dwellings to public transport, the public benefit of two new family dwellings and the reinstatement of two on street residential bays to be secured by Grampian condition the works are acceptable on highways grounds.

The proposed cycle storage for the two storey mews property is not considered acceptable on the grounds that it is not easily acceptable and would therefore not encourage cycling. A condition is recommended to secure a revised cycle store, to be provided prior to the occupation of the mews dwelling.

#### 8.5 Economic Considerations

No economic considerations are applicable for a development of this size

#### 8.6 Access

The house fronting Saltram Crescent will be accessed from the street and a front garden in the same manner as the existing properties within Saltram Crescent.

The house fronting Malvern Mews will be accessed from Malvern Mews. Malvern Mews is a private road which is accessed from Malvern Road. Both Malvern Mews and Malvern Road lie within the adjacent borough of Brent.

During the course of the application it was raised by officer's that the access to the site was not included in the red line. The red line was revised by the applicant to include the access to the public highway and the application was re-consulted on.

Brent have raised no objection to the future access arrangements of the property facing Malvern Mews.

Objections have been received on the grounds of access to the two storey mews building. The objections state that the road is privately owned by the Malvern Mews free holders who will withhold permission from future occupants. While this is a private matter, the Mews is an un-adopted highway as it has been open and passable for over 20 years and Brent have raised no objection to the proposed access. Refusal on these grounds would not be sustainable.

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

### **Trees**

The tree officer has raised no objection to the removal of the street tree at the front of the site (T1) on the grounds that fungi and decay within the tree have been identified by the City Council as a reason for its removal.

An objection has been raised on the grounds that the works may restrict the growth of and require future pruning of a Sweet Gum tree in an adjoining garden. The trees officer has recommended conditions to secure further tree protection details if officer are minded to approve the works.

The tree officer has also proposed conditions to secure landscaping in the gardens of the new dwellings and permeable surfaces for drainage. Neighbours have also objected on the grounds of loss of vegetation. A condition is recommended to secure details of landscaping to ensure that there is suitable greenery.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

## **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

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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.

Subject to any relevant exceptions the Westminster CIL would be £35,800.  
The Mayoral CIL would be £14,320.

### **8.12 Other Issues**

Objections have been raised on the grounds that Westminster City Council should not be granting permission for works that could detrimentally impact the residents of another borough (Brent). Work on land adjoining neighbouring boroughs is not uncommon and the City Council have consulted both the neighbouring residents and the Neighbouring Local Authority. Refusal on these grounds could not be sustained.

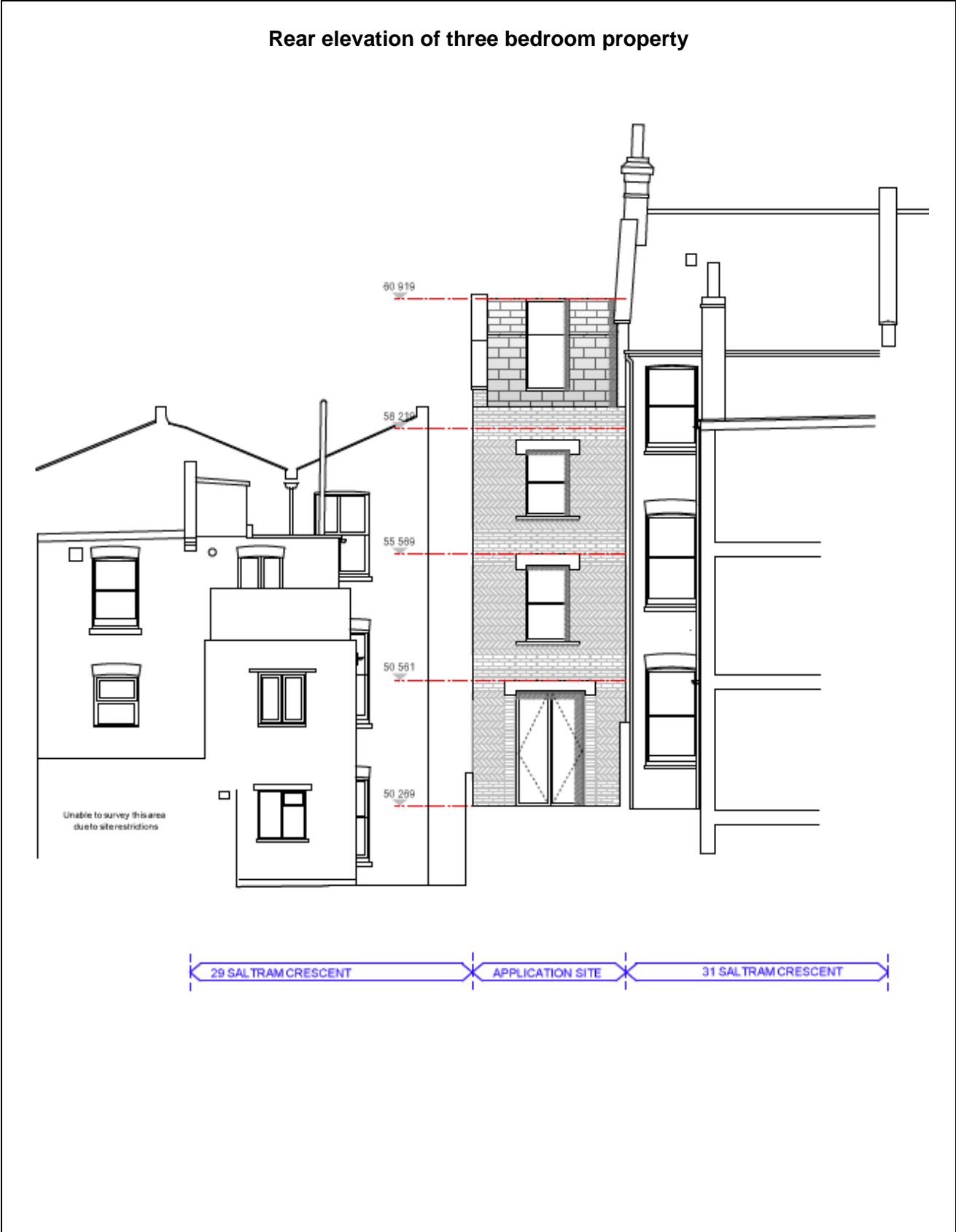
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT <a href="mailto:rhandley@westminster.gov.uk">rhandley@westminster.gov.uk</a>.</p>
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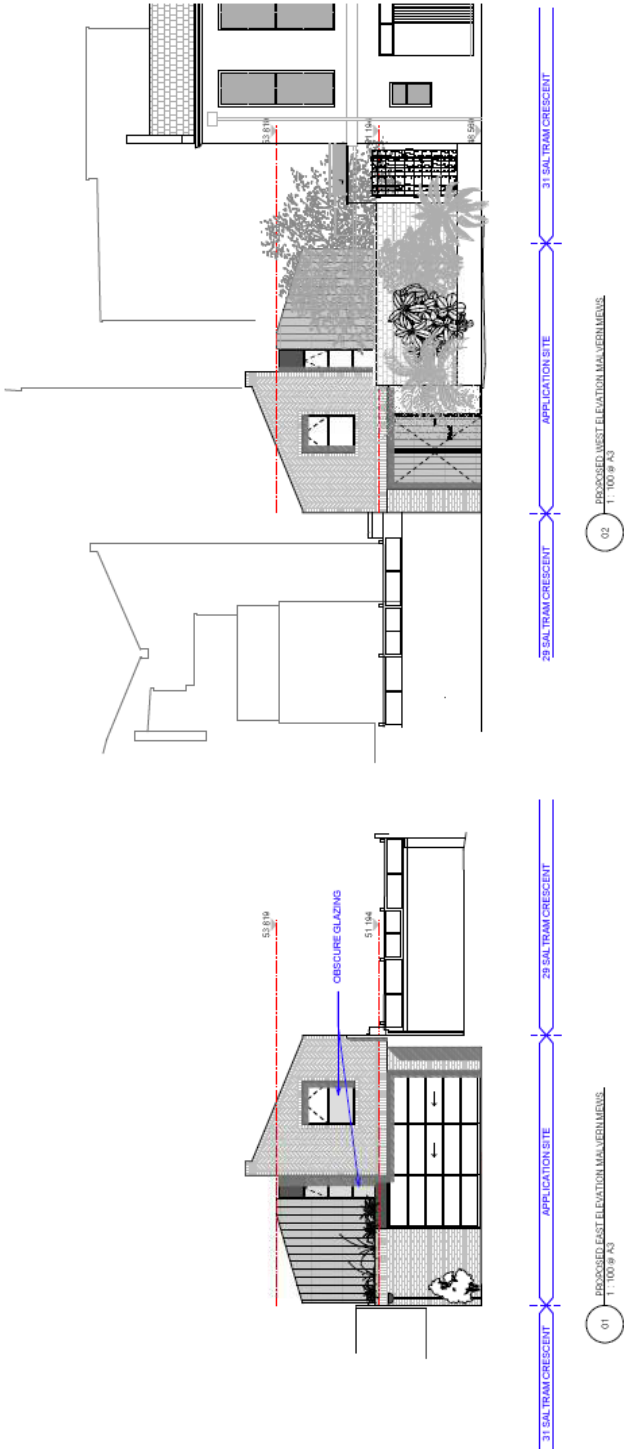
9. KEY DRAWINGS



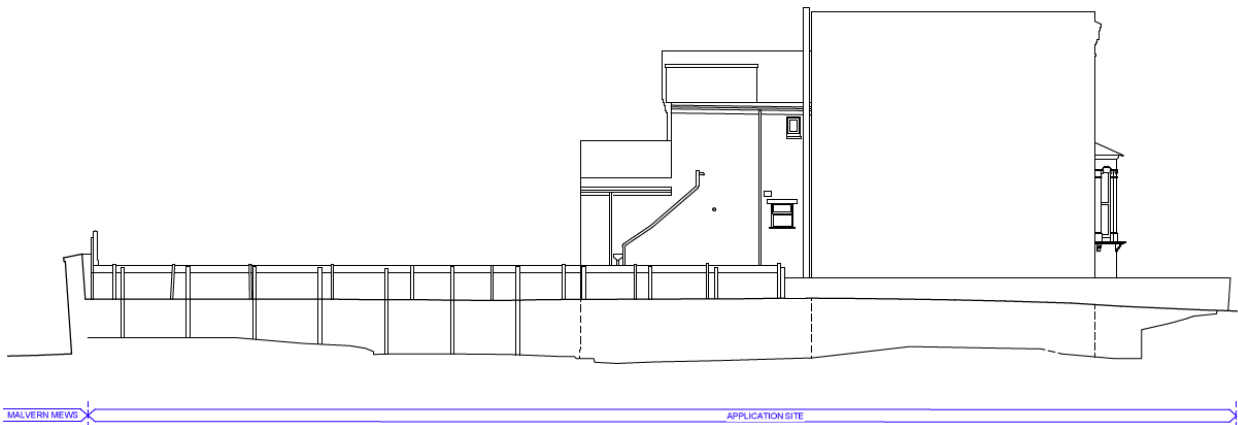
Rear elevation of three bedroom property



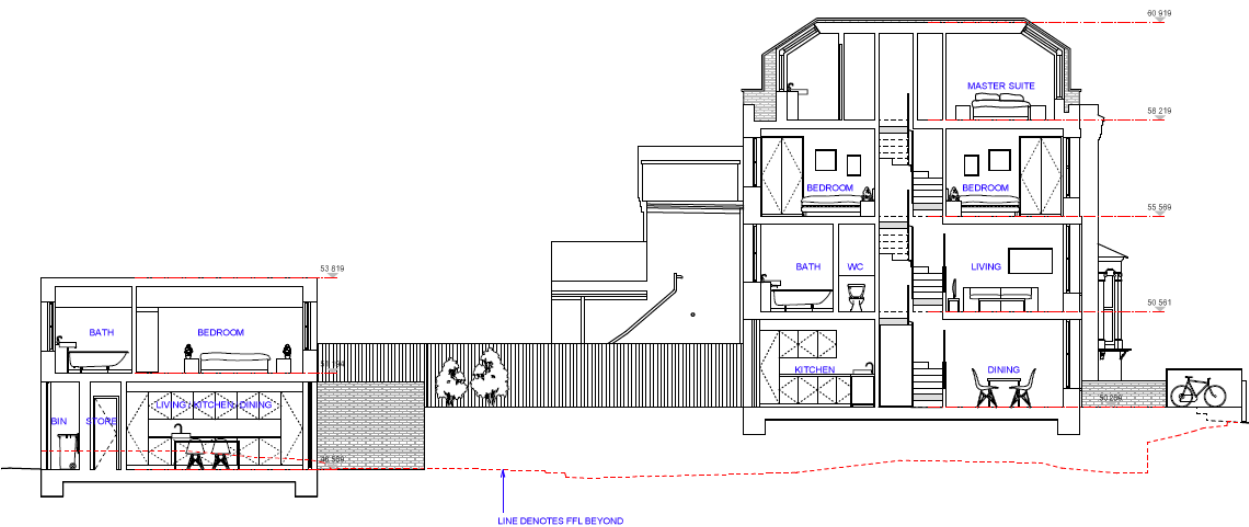
Front and Rear elevations of two storey property facing Malvern Mews



**Existing section**



**Proposed Section**



**DRAFT DECISION LETTER**

**Address:** 31 Saltram Crescent, London, W9 3JR,

**Proposal:** Erection of four storey side extension and two storey building at end of garden fronting Malvern Mews; alterations to boundaries; installation of waste and cycle storage within front garden; all in association with the creation of two residential dwelling houses (1 x 3 bed and 1 x 2 bed) (Use Class C3).

**Plan Nos:** Site location plan, 0301 Rev A, 0302 Rev A, 0200 Rev A, 0100, 0201, 0300 Rev A, 1301 Rev 02, 1303 Rev 01, 1200 Rev 02, 1201 Rev 02, 1302 Rev 01, 1101 Rev 03, 1100 Rev 03, 1104 Rev 03, 1103 Rev 03, 1300 Rev 03, 1102 Rev 03

For information only

Daylight and Sunlight Report, Design and Access Statement

**Case Officer:** Max Jones

**Direct Tel. No.** 020 7641 1861

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

- 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must provide the waste store shown on drawing 1100 Rev 02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the Houses. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 5 You must not use any part of the development until we have approved appropriate arrangements to secure the following:

- a) Highway works in Saltram Crescent to remove the redundant vehicular cross over and reinstate the pavement and change on-street restrictions to introduce additional on-street parking.
- b) Lifetime (25 years) car club membership for each residential unit.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development prioritises pedestrian movement and does not result in increased pressure on on-street residents' parking, as set out in S33 and S42 of Westminster's City Plan (November 2016) and in STRA25, TRANS2, TRANS3 and TRANS23 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must provide each cycle parking space shown for the property facing Saltram Crescent on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9

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(Table 6.3) of the London Plan 2016 (R22FA)

- 7 Notwithstanding the details shown in drawing 1100 Rev 3, you must apply to us for approval of details of secure cycle storage for the property facing Malvern Mews. You must not occupy this property until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 8 The glass that you put in the windows in the rear elevation of the property facing Malvern Mews must not be clear glass. The windows must be inward opening and have restrictors on them to limit the range of opening. You must apply to us for approval of a sample of the glass (at least 300mm square) and the restrictor. You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 9 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

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- 11 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To make sure that the trees on the site are 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)

- 12 Prior to occupation of the property facing Malvern Mews, you must provide the green roof hereby approved.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 13 You must apply to us for approval of samples of the following parts of the development including elevations and roof plans annotated to show where the materials are to be located: :

- i) stone lintels
- ii) Sample panels of the brickwork, herringbone pattern and rendering
- iii) roof slates

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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 14 You must not form any windows, other openings or extensions (other than those shown on the plans) in/to the outside walls of the building without our permission. This is despite the provisions of Classes A, B, C, D, F; of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21EC)

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- 15 Prior to the commencement of any
- (a) demolition, and/or
  - (b) earthworks/piling and/or
  - (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of any demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of these details. (C11CD)

**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)

**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, neighbourhood plan (where relevant), 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 **HIGHWAYS LICENSING:**  
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.

**CONSIDERATE CONSTRUCTORS:**

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

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information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

#### BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 5 Under condition five we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure highway works to remove the existing redundant vehicular crossover in Saltram Crescent, amend on-street restrictions to introduce additional on-street residents' parking and secure the provision of lifetime (25 year) car club membership for each of the new residential units, as set out in the email dated 29 January 2019 from Jon Dingle Ltd. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 6 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 April 2019		Classification For General Release
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	Horse and Dolphin Yard, London, W1		
Proposal	Use of central canopy area measuring 15.75m x 3.75m for placing of 15 tables 60 chairs and a waiter's station as additional restaurant seating in connection with the restaurant at 9 Horse and Dolphin Yard.		
Agent	Rolfe Judd		
On behalf of	Shaftesbury Chinatown Plc		
Registered Number	18/10415/FULL	Date amended/ completed	13 December 2018
Date Application Received	10 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Chinatown		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is Horse and Dolphin Yard, a cul-de-sac forming a courtyard bounded by the rear of properties on Shaftesbury Avenue, Gerard Place, Gerard Street, and Macclesfield Street (to which it is linked by a narrow passage way). The courtyard is located in the Chinatown Conservation Area, the Core Central Activities Zone (CAZ) and the West End Stress Area. There are a number of residential properties whose windows face out onto the courtyard. A Stopping Up Order was secured on the Yard in 2011 and at present it is owned and managed by Shaftesbury PLC. Horse and Dolphin Yard is used primarily for servicing purposes, with access limited by gates, which are conditioned (as per planning consent granted on 1st December 2011) to remain open between 06:00 hours and 00:00 midnight daily.

Previously an unattractive area subject to anti-social activities, it has been physically transformed but despite attempts by the applicants to provide more acceptable alternative functions (see history below), it has remained underutilised. Planning permission is now sought for the use of the central canopy area (previously approved as part of a retail market), measuring 15.75m x 3.75m, for the placing of 15 tables, 60 chairs, and a waiters' station in connection with the restaurant (Class A3) use at 9 Horse and Dolphin Yard (which originally formed a part of a larger restaurant occupying the

whole of 1 Gerrard Place). The proposed hours of operation for the tables and chairs are 08:00 hours to 22:00 hours daily.

An objection has been received from a resident regarding the potential for noise nuisance associated with the use of the Yard as an outdoor restaurant seating area, as well as ongoing issues with crime and antisocial behaviour in the courtyard. A neutral comment has also been received; they stated that they welcome improvements to the courtyard but raised concerns about noise levels in the evening, as well as issues associated with rubbish collection of both residents and the restaurants that use the Yard for servicing.

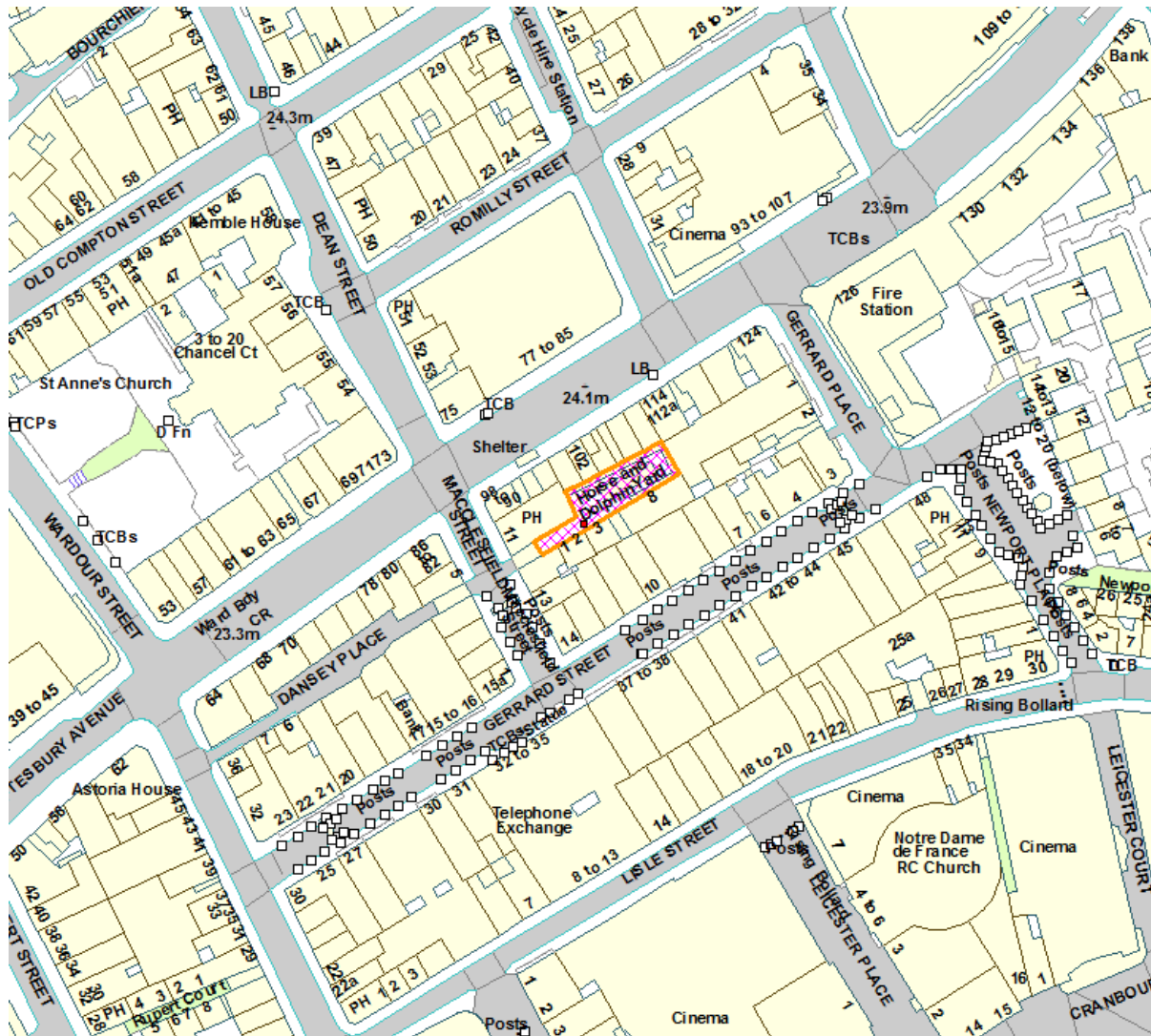
The key issues for consideration are:

- The impact the proposed tables and chairs could have on residential amenity for those living in properties facing onto the courtyard.
- Refuse collection and servicing arrangements.

For the reasons set out in the main report the proposal is considered to be acceptable, subject to a number of safeguarding conditions, including one that allows the proposal to operate for a temporary period of one year, so that the potential impact on amenity can be assessed.



### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### SOHO SOCIETY:

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER:

No objection; the courtyard is privately owned and not public highway.

### WASTE PROJECT OFFICER:

No objection; the courtyard is privately owned.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 34; Total no. of replies: 2

One objection received on the following grounds:

- Noise nuisance associated with proposals would be damaging to residential amenity.
- Objector states that area is associated with crime and raises concerns that the proposals would not address this issue.

Neutral comment received on the following grounds:

- The comment states that they are generally supportive of using the space in a more positive way, but they are concerned about the levels of noise the proposals would generate in the evenings, particularly as several bedroom windows face out onto the Yard. They also raise a concern regarding the lack of servicing proposals in the application as many residents and restaurants use the rubbish facilities currently located in the courtyard.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is Horse and Dolphin Yard, which is a courtyard bounded by the rear of properties on Shaftesbury Avenue, Gerard Place, Gerard Street, and Macclesfield Street. The courtyard is located in the Chinatown Conservation Area, the Core CAZ and the West End Stress Area. The courtyard measures 25 metres in length, 9 metres at the western end closest to Gerard Place, and 10 metres at the eastern end, with a narrow access passage onto Macclesfield Street. There are a number of residential properties whose windows face out onto the courtyard.

A Stopping Up Order was secured on the courtyard in 2011 and at present it is owned and managed by Shaftesbury PLC. Horse and Dolphin Yard is used for servicing purposes, with access being limited by gates, which are conditioned (as per planning consent granted on 1st December 2011) to remain open between 06:00 hours and 00:00 midnight daily. Historically the site was used as a servicing area, although more recent consents have attempted to diversify the use of the area in order to encourage more pedestrian traffic and revitalise the space.



## 6.2 Recent Relevant History

Planning consent was granted in 2005 for two separate applications relating to Horse and Dolphin Yard:

6th January 2005: Use of part of the ground floor of 1-3 Horse and Dolphin Yard as a refuse storage, management and collection facility and use of the remainder of the ground floor for Class A1, A2, A3, B1, or B8 purposes.

20th May 2005: Alterations to the rear of 100-112 Shaftesbury Avenue (fronting Horse and Dolphin Yard) to create five retail kiosks at rear ground and basement floors; erection of canopy and relocation of two existing residents' parking bays.

The refuse storage was implemented and the space is in use as a refuse collection area for various restaurants and residential units that surround the courtyard. A separate planning application for the relocation of the bin storage to Dansey Place has been submitted and is currently under consideration by the Council. The latter permission was granted conditional permission subject to a legal agreement which secured the relocation of the residential parking bays and up to £150,000 provided for the resurfacing of roads and pavements around Macclesfield Street and Gerrard Street. The planning permission was implemented, although the kiosks are currently vacant and remain associated with properties on Shaftesbury Avenue. The applicant states that the proposals would not impact the use of the kiosks should tenants seek to use them in the future.

Consent was granted on 9th February 2006 for an amendment to condition 7 of the previous consent (20th May 2005) in order to lower the height of the canopy to 2.6m from the previously consented 3.3m minimum. Bollards were proposed to be installed in order to protect the canopy from taller vehicles entering the courtyard for servicing purposes. The canopy has been installed but the bollards have not been installed adjacent to the canopy.

Planning consent was granted on 23rd January 2007 for the installation of an oriental style openable shopfront and glazed tile finish canopy at 8 Horse and Dolphin Yard. The permission included a condition limiting the hours of the openable shopfront from 09:00 hours to 22:00 hours daily. The permission was implemented and the canopy remains in place, although the openable shopfront is no longer in place on site.

On 1st December 2011, consent was granted for the installation of a fixed canopy within Horse and Dolphin Yard to provide a covered stall area, and for the installation of entrance gates. Permission for the gates was granted on the basis that the physical characteristics of the courtyard facilitate antisocial behaviour. The consent includes a condition that states that the gates must remain open between 06:00 hours and 00:00 midnight, daily. The use of the courtyard as a market was conditioned to only operate from 08:00 hours to 22:00 hours daily. Concerns were raised regarding servicing in the courtyard; further investigation showed only two vehicles entering the Yard in a twenty-four hour period and it was concluded that they could be accommodated elsewhere. The canopy was installed in the courtyard, and it is under the canopy that the proposed tables and chairs are to be located.

As part of the 2011 consent, an order was secured pursuant to S247 of the Town and Country Planning Act (1990) for the stopping up of Horse and Dolphin Yard in order to allow the developments to take place. This effectively placed the responsibility for the maintenance and upkeep of the Yard into the hands of Shaftesbury PLC. Since the order was secured, the land is no longer considered to be public highway.

Planning consent was granted on 20th August 2014 for the reconfiguration and refurbishment of 1-3 Horse and Dolphin Yard in order to provide three residential units on the first to third storeys of the property, thereby introducing more residential units which look out onto Horse and Dolphin Yard. These units have been provided.

Planning consent was granted on 17th December 2015 for the dual/alternative use of the second and third floors for either continued restaurant (Class A3) use or residential (Class C3) use to form 2 x two-bedroom flats at 1-3 Horse and Dolphin Yard/12 Macclesfield Street. External alterations to the buildings, including the installation of new doors and Juliette balconies at first to third floor level to the rear of 12 Macclesfield Street, alterations to the existing windows to the front and rear of 12 Macclesfield Street and installation of new windows to the rear flank of 12 Macclesfield Street facing Horse and Dolphin Yard. The Juliette balconies have been installed on site, and Council Tax records show that there are currently two residential units at 12 Macclesfield Street.

Also of some relevance in this case is the restaurant of which the tables and chairs will be part of, namely 1 Gerrard Place/9 Horse and Dolphin Yard. In September 2017 planning permission was granted for use of the second - fourth floors of the existing building as Class C3 (residential) use to form 9 residential units [with four facing Horse and Dolphin Yard], with various alterations and extensions. Restaurant use is retained at basement, ground and first floor level. This incorporated an openable shopfront (with bi-folding doors) on the Horse and Dolphin Yard frontage: permission had been granted for this in 6th October 2016. There is no condition limiting the hours of the shopfront being open.

These permissions are currently being implemented and will introduce further residential units which look out onto the Yard. However, the applicant has advised that the works include the subdivision of the large restaurant premises occupying 1 Gerrard Place into two. One restaurant is to continue to trade from Gerrard Place and the other solely accessible from Horse and Dolphin Yard. No other details have been provided about the restaurant use, which is not subject to any planning controls.

## **7. THE PROPOSAL**

Planning permission is sought for the use of the central canopy area, measuring 15.75m x 3.75m, for the placing of 15 tables, 60 chairs, and a waiters' station in association with the restaurant at 9 Horse and Dolphin Yard. The applicant has proposed hours of operation for the seating between 08:00 hours to 22:00 hours daily.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The courtyard is maintained by Shaftesbury PLC and is currently used as a servicing area for restaurants and residential units that back onto the courtyard, although the land itself has no designated lawful use and is therefore classified as a nil use.

The proposals include the use of the area under the existing canopy for outdoor seating. Although this area is a private courtyard, and not a public highway, its use for seating, as an extension to the restaurant, requires planning permission. TACE 11 of the Unitary Development Plan states that planning permission for the provision of tables and chairs will only be granted when such developments will not:

- Unacceptably intensify an existing use.
- Cause obstruction.
- Endanger pedestrians and wheelchair users.
- Cause or exacerbate a problem with refuse storage or street cleansing.
- Have a detrimental effect on the character and appearance of the area.
- Cause a nuisance to residents.
- Harm the amenity of the area.
- Create opportunities for crime.

The proposals are for a 60sq.m outdoor dining area in association with a 332sq.m restaurant at 9 Horse and Dolphin Yard. Policy TACE 9 of the Unitary Development Plan applies to restaurants and café uses of between 150sq.m and 500sq.m in Stress Areas (in which the application site is located). TACE 9 seeks to control the location and size of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of various parts of the City. Permission will only be granted for proposals where the Council is satisfied that the proposed development has no adverse effect (nor taking into account the number of entertainment uses in the vicinity, any cumulative effect) on residential amenity or local environmental quality as a result of:

- Noise.
- Vibration.
- Smells.
- Increased late night activity.
- Increased parking and traffic.
- An adverse effect on the character or function of its area.

The application for outdoor seating in Horse and Dolphin Yard would not unacceptably intensify an existing use as the space is currently underutilised and it is considered that the area is sufficiently spacious to accommodate the proposed number of tables and chairs, whilst ensuring that adequate space is provided for pedestrians and wheelchair uses.

## 8.2 Residential Amenity

There are a number of residential properties which face out onto Horse and Dolphin Yard. The nearest residential properties are located at: 1 Horse and Dolphin Yard; 12 Macclesfield Street; and 106 Shaftesbury Avenue. Planning consent for a further four residential flats is currently being implemented at 10 Horse and Dolphin Yard, which is located above the consented openable shopfront at 9 Horse and Dolphin Yard.

One local resident objected to the application on the basis of potential noise disturbance, whilst another raised a neutral comment, stating that they were concerned that the proposals could lead to increased levels of noise at night, thereby harming residential amenity. It is considered that the proposals for tables and chairs in the courtyard could increase levels of ambient noise, especially as the tables and chairs are to be used in conjunction with the restaurant at 9 Horse and Dolphin Yard, which will feature a fully openable shopfront.

It should be noted that the restaurant use at 1 Gerrard Place (which previously incorporated what is now 9 Horse and Dolphin Yard) is long established and lawful but not subject to any planning restrictions. Although currently vacant, the last Premises Licence, as granted for 1 Gerrard Place in 2014, restricted the opening hours from 10:00-01:00 Monday to Saturday, and 12:00 to 01:00 on Sundays. The licence stipulated a maximum capacity of 480 persons. The restaurant which will operate from 9 Horse and Dolphin Yard will be smaller as a result of the space being separated off from 1 Gerrard Place. Furthermore, the restaurant will be accessed only through the access passage on Macclesfield Street, and therefore it will not be able to operate until 01:00 because the gates are conditioned to be closed from midnight until 06:00.

It is noted that in the locality there are high levels of background noise and late night activity. However, Horse and Dolphin Yard is a relatively quiet courtyard, onto which several residential properties face. As such, it is considered that the proposals could harm residential amenity, which would be contrary to both TACE 9 and TACE 11 of the UDP, as well as ENV 6 of the City Plan, which seeks to protect residential properties from noise disturbance.

In order to mitigate potential harm to residential amenity, the hours of operation should be conditioned to 08:00 hours to 22:00 hours daily, and the playing of amplified or live music should also be restricted by condition. The restaurant to which the courtyard will be associated does not have a condition limiting its hours of operation and the previous license granted for the property was until 01:00. Owing to this, it will be necessary to implement an operational management plan in order to ensure that the tables and chairs do not remain in place on the courtyard later than 22:00, in order to protect the amenity of residents facing out onto the courtyard. The permission should also be granted for a limited one year period, in order to assess the effect of the proposals on residential amenity.

The limitation of hours of operation and the implementation of an operational management plan will serve to restrict any increase in late night activity, thereby ensuring that the proposals accord with TACE 9 of the Unitary Development Plan.

In conclusion, it can be seen that the proposals broadly accord with both TACE 9 and TACE 11 of the Unitary Development Plan. There are concerns about residential amenity given the number of residential units which face out onto the courtyard. However, it is considered that the implementation of an hours limitation (until 22:00), an operational management plan, and permission being granted for a limited one year period, will address concerns regarding the potential impact on residential amenity.

### **8.3 Environmental Quality**

The Chinatown SPG (2009) states that Horse and Dolphin Yard is currently an underutilised space that suffers from issues associated with amenity and antisocial behaviour, partially as a result of low levels of foot traffic. These issues are compounded by the fact that a large portion of the courtyard is not viewable from the entrance to the Yard at Macclesfield Street. Previous consents for the use of the space as a marketplace were unsuccessful owing to a lack of footfall and demand from the market. As such, the courtyard remains an underutilised space located in the Core CAZ. It is considered that the proposals to use the space as an outdoor dining area in association with the restaurant at 9 Horse and Dolphin Yard would be likely to improve the character of the courtyard and contribute to reducing levels of crime and antisocial behaviour as a result of increased footfall and public surveillance.

The proposals are not considered to increase levels of vibration or smells within the courtyard. It is considered that the pending application to move the refuse storage at 1-3 Horse and Dolphin Yard to Dansey Place would, if implemented, reduce odours associated with the storage of refuse and thereby improve the environmental quality of the courtyard for patrons and local residents.

### **8.4 Transport and Parking**

The majority of patrons to restaurants and entertainment uses in Chinatown arrive on foot or by public transport as there are high levels of traffic and limited parking availability in the locality. The courtyard is also served by various public transport modes as a result of its location in the Core CAZ. As such, the proposals would not be considered to increase levels of traffic or parking in the vicinity of the courtyard.

### **8.5 Refuse and Servicing**

Planning consent was granted on 6th January 2005 for the use of part of the ground floor of 1-3 Horse and Dolphin Yard as a refuse storage, management and collection facility for restaurants and residential properties which face onto the courtyard. The Chinatown SPG (2009) states that applications concerning Horse and Dolphin Yard should pay particular regard to maintaining or improving servicing arrangements. The proposed layout of the tables and chairs would be unlikely to obstruct access to the refuse storage at 1-3 Horse and Dolphin Yard. It is noted that an application is currently under consideration that would involve the relocation of the refuse storage at 1-3 Horse and Dolphin Yard to Dansey Place; this may improve servicing arrangements in the context of the use of the courtyard as an outdoor dining area.

The proposed hours of the tables and chairs are 08:00 to 22:00 daily. The agent confirmed that servicing occurs in the courtyard from 07:00 to 12:00 midday. On two



separate site visits, it was noted that there were goods in the courtyard relating to the servicing of 9A Gerrard Street, or New Loon Moon Supermarket. There is a possibility that the proposals would lead to servicing occurring whilst the tables and chairs are placed in the courtyard. It is noted that the courtyard has been a private space since 2011, when it was stopped up. As such, the servicing arrangements within the courtyard are maintained and managed by Shaftesbury PLC. It is possible that current the servicing arrangements could be displaced onto the public highway on Macclesfield Street. It is therefore recommended to limit the consent to a temporary one year period in order to assess the impact of the proposals on the servicing of the restaurants and retail units that surround Horse and Dolphin Yard.

## **8.6 Design**

The Yard is bounded to the south by two and three storey buildings, and to the west and north by buildings which are comprised of several storeys. The buildings are mostly comprised of late 19th and early 20th century buildings. Planning permission as granted on 18th September 2017 is currently being implemented on site and will incorporate a more modern building façade on the eastern elevation of Horse and Dolphin Yard. There have been attempts to make the area more attractive through the installation of Chinese inspired shopfronts and the central canopy. The proposals for the placement of tables and chairs under the existing central canopy will contribute to creating a more inviting ambiance, which will be used in association with the restaurant use at 9 Horse and Dolphin Yard. The courtyard itself is only visible in limited views from the public highway on Macclesfield Street, and from private views looking out from properties in the courtyard. The proposals are considered to be an improvement on what is an underutilised and somewhat neglected space at present. The details of the tables and chairs have not been provided and as such a condition has been included in order to ensure that the furniture is acceptable in design terms and in keeping with the character of the courtyard.

## **8.7 Economic Considerations**

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

## **8.8 Access**

Level access is provided within the Yard.

## **8.9 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

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### **8.10 London Plan**

This application raises no strategic issues.

### **8.11 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. No pre-commencement conditions are considered necessary in this case.

### **8.12 Planning Obligations**

Planning obligations are not relevant in the determination of this application. The case does not trigger any CIL payments.

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

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT <a href="mailto:PQUAYLE@WESTMINSTER.GOV.UK">PQUAYLE@WESTMINSTER.GOV.UK</a></p>
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**DRAFT DECISION LETTER**

**Address:** Horse and Dolphin Yard, London, W1

**Proposal:** Use of central canopy area measuring 15.75m x 3.75m for placing of 15 tables 60 chairs and a waiters' station as additional restaurant seating in connection with the restaurant at 9 Horse and Dolphin Yard.

**Reference:** 18/10415/FULL

**Plan Nos:** A101, dated 22<sup>nd</sup> July 2018

**Case Officer:** Matthew Hollins

**Direct Tel. No.** 020 7641 4033

**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 You must not play live or recorded music in the courtyard. (C13IA)

**Reason:**

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 3 You must not put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing A101 dated 22/07/2018. (C25AA)

**Reason:**

In the interests of public safety and to avoid blocking the existing servicing arrangements, and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 4 You can only put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in the courtyard between 08:00 hours and 22:00 hours. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 5 The tables and chairs must only be used by customers of the restaurant at 9 Horse and Dolphin Yard. (C25CA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 6 You must notify us in writing 14 days before the use of the courtyard as outdoor dining commences. The use may continue for one year from the date of commencement. You must then remove the tables, chairs, and waiters' station hereby approved.

Reason:

We cannot give you permanent permission as there are a number of residential properties which face onto the courtyard. We therefore need to assess the effect of the use of the proposed activity regularly in order to ensure that it accords with TACE 9 and TACE 11 of the Unitary Development Plan (as adopted in January 2007) with regard to residential amenity. For the above reasons, we can therefore only grant a temporary permission.

- 6 You must apply to us for approval of details of the appearance/manufacturer's specifications for the tables, chairs and waiters' station, which will be used under the central canopy in the courtyard. You must then only use the approved furniture.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed in the courtyard to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007. (R25EA)

- 7 You must apply to us for approval of details of drawings, which clearly demarcate where the furniture will be stored when it is not in use. You must not place any furniture in the courtyard until we have approved what you have sent us. You must then ensure the furniture is stored in the location shown on the plans between 22:00 hours and 08:00 hours daily.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 8 You must apply to us for approval of a management plan to show how the tables and chairs will be managed in practice, including the arrangements ensuring that the tables and chairs are removed from

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the courtyard and put into storage each night from 22:00 to 08:00. This should also include details to limit the provision of food and beverages before 22:00 in order to ensure customers do not remain in the courtyard after 22:00. You must not place furniture in the courtyard until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the tables and chairs are placed in Horse and Dolphin Yard.

Reason:  
To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9; TACE 11 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

**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, neighbourhood plan (where relevant), 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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 April 2019		Classification For General Release
Report of Executive Director Growth Planning and Housing		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	194 Queen's Gate, London, SW7 5EU		
Proposal	Erection of roof extension to create new sixth floor and alterations to rear at fifth floor level in connection with the enlargement of the fourth and fifth floor maisonette (Flat 7).		
Agent	Mr Naresh Sam		
On behalf of	Mr Oleg Polyakov		
Registered Number	18/09243/FULL	Date amended/ completed	30 October 2018
Date Application Received	30 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	Knightsbridge		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

194 Queen's Gate is an unlisted townhouse within the Knightsbridge Conservation Area.

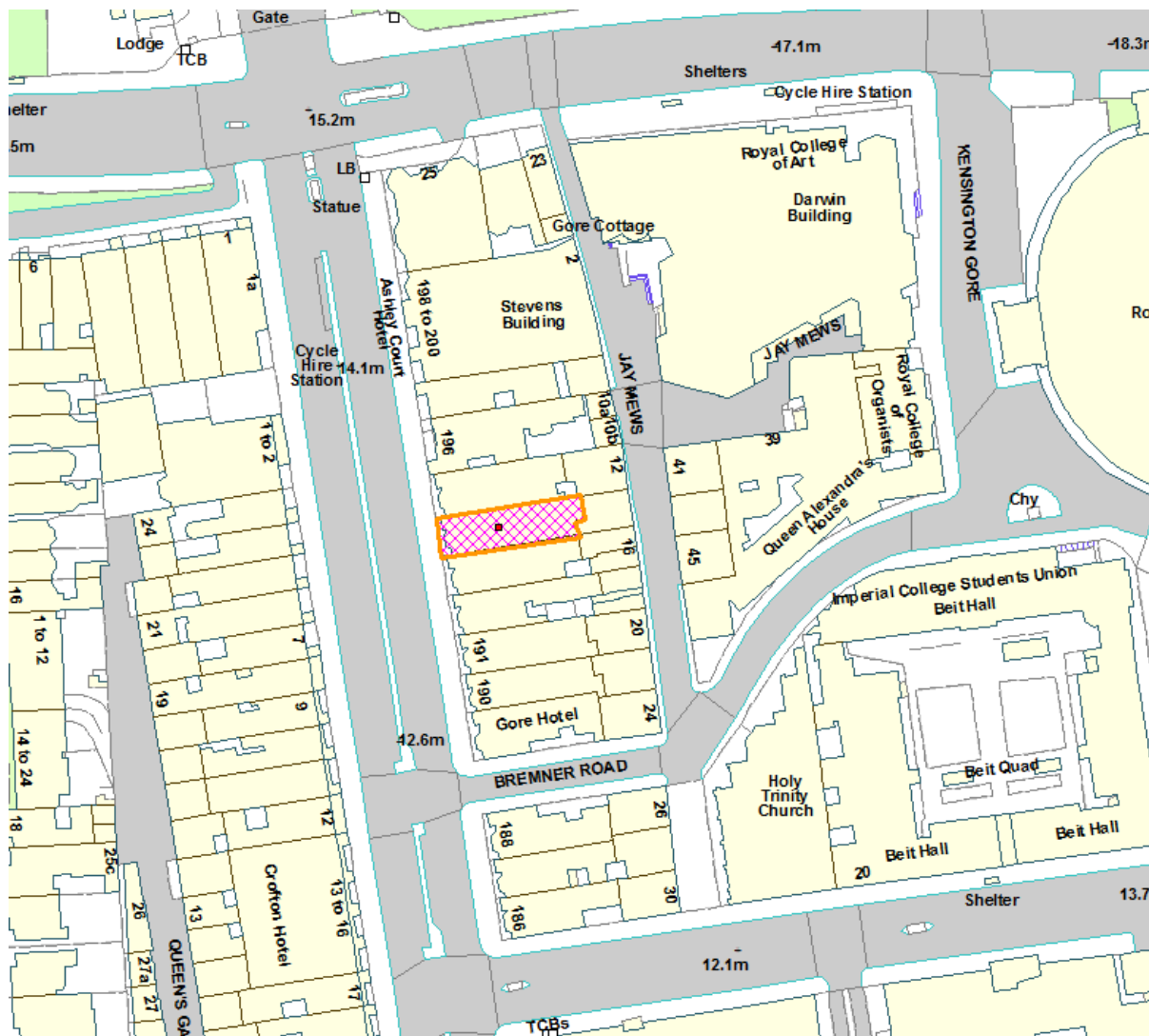
An application has been submitted seeking planning permission for the erection of a roof extension to create a new sixth floor and alterations to the rear at fifth floor level in connection with the enlargement of the fourth and fifth floor maisonette (Flat 7).

The key issues for consideration are:

- \* The impact of the proposals on the appearance of the building and character of the surrounding Knightsbridge Conservation Area.
- \* The impact of the proposals on the amenity of neighbouring residents.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity terms and would accord with policies within the Unitary Development Plan (UDP), Westminster's City Plan: Strategic Policies (City Plan) and the Knightsbridge Neighbourhood Plan (KNP). As such, it is recommended that conditional planning permission is granted.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



Front elevation 194 Queen's Gate

## 5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION:

No objection.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 30

Total No. of replies: 2

No. of objections: 2

Two letters from neighbouring residents objecting to the proposals on the following grounds:

- design and negative impact on host building and conservation area;
- loss of light;
- light spillage from windows;
- noise and disturbance from construction; and
- the applicant has no right to alter the airspace.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application relates to an existing fourth and fifth floor maisonette (Flat 7) that occupies the upper floors of 194 Queen's Gate, an unlisted townhouse within the Knightsbridge Conservation Area.

### 6.2 Recent Relevant History

Planning permission was granted in November 2017 (RN: 17/08758/FULL) for the erection of a glazed extension at lower ground, ground and first floor levels in rear (internal) courtyard area, replacement of windows and door at front lower ground and ground floor levels and installation of plant to front pavement vaults,

Planning permission was granted in May 2018 (RN: 18/02561/FULL) varying this permission to allow alterations to the rear lightwell to enclose it and change the form of the glass roof to the courtyard.

## 7. THE PROPOSAL

Planning permission is sought for the erection of a roof extension to create a new sixth floor and alterations to the rear at fifth floor level in connection with the enlargement of the fourth and fifth floor maisonette (Flat 7).

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The creation of additional residential floorspace is welcomed in land use terms, in line with policies H3 of the UDP and S14 of the City Plan.

### 8.2 Townscape and Design

An objection has been received on the grounds of design and the negative impact of the proposals on the host building and conservation area.

194 Queen's Gate is an attractive unlisted townhouse within the Knightsbridge Conservation Area, dating from 1877. It has a traditionally detailed slate mansard with dormers and tall prominent chimneys. The Knightsbridge Conservation Area Audit SPD identifies it as an unlisted building of merit and as a building with existing mansard which is unsuitable for roof extension. The main design issues are the impact of the roof alterations and extension on the character and appearance of the Knightsbridge Conservation Area.

The application proposes extension and remodelling of the existing roof, with new dormer windows to the rear. While the existing roof form does contribute positively to the character of the building, the proposed roof would not be significantly taller and maintains similar detail and materials. The application site is part of a group of terraced townhouses which vary in detail and are characterised by roofs of slightly differing heights. The roof to the application property will be lower than to immediately adjoining properties, finished in slate to match and the overall prominence of the chimneys will be maintained. Notwithstanding the advice within the conservation area audit, extending the roof is therefore considered acceptable in principle.

In terms of the design detail, traditional dormers are proposed in the rear of the roof extension. Full height glazed doors below this are not traditional in detail but there are existing similar doors and to the rear, roofs have been substantially altered and do not have consistent character or detail. The buildings also have a very deep plan with large rear closet wings which means that there is very limited visibility towards the rear of the roofs. As such, in this instance the glazed doors are also considered acceptable. Conditions are proposed to require submission of detailed drawings of the dormers and doors and sample of the roof slate to ensure this matches existing.

Subject to appropriate detail and materials, the proposals are acceptable and will not harm the appearance of this unlisted building of merit, nor will they cause harm to the wider roofscape and the character and appearance of the Knightsbridge Conservation Area. As such, the proposals comply with national and local policy and in particular

policies DES 6 (roof extensions) and DES 9 (conservation areas) of the UDP, and S25 (Heritage) and S28 (Design) of the City Plan.

### **8.3 Residential Amenity**

Policies S29 of the City Plan and ENV 13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, outdoor space and encourage development which enhances the residential environment of the surrounding properties.

Objection has been received on grounds of loss of light from the proposed roof extension and light spillage from proposed windows into surrounding properties. No. 194 adjoins 195 Queen's Gate to the north and 193 Queen's Gate to the south. The properties all exhibit deep closet wings which create lightwells between the rear of the properties.

The objection relates to a rear window on the third floor of No. 193 which the objector says faces the rear of the application building and serves as a study. The proposed extension would raise the existing roof height by approximately 1.4m, remaining lower than the roof height of the two adjoining properties. There will be some minimal build out of the rear wall at fifth floor level to support the roof extension above, however this is not considered to be a significant amount. The extension will remain suppressed at both sides by the tall chimney stacks which form the boundary wall between the adjoining properties.

By virtue of the relatively minimal increase in roof height, the location and size of the existing chimney stacks and the depth and orientation of the rear lightwells, the application is not considered to give rise to any significant issues in terms of loss of light or sense of enclosure to neighbouring properties to merit a refusal of permission on these grounds. With regard to potential light spillage from the rear windows, given the existing patio doors at fifth floor level, the replacement rear patio doors and two new dormer windows are not considered to lead to a noticeable amount of light spillage beyond the existing situation.

Subject to conditions, the proposals are considered to be in line with policies S29 of the City Plan and ENV13 of the UDP.

### **8.4 Transportation/Parking**

None as the proposals relate to an existing residential unit.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

The proposals do not propose any changes to the existing arrangements.

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

None relevant.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

## **8.9 Neighbourhood Plans**

The Knightsbridge Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 18 October 2018, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Knightsbridge Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report (section 8.14).

## **8.10 London Plan**

This application raises no strategic issues.

## **8.11 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.

## **8.12 Planning Obligations**

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

## **8.13 Environmental Impact Assessment**

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

## **8.14 Other Issues**

Objections have been raised on the grounds the proposals would lead to noise and disturbance created by the construction impact.

Policy KBR22 of the Knightsbridge Neighbourhood Plan states that proposals should be designed in a way that minimises their impacts on amenity, public health and the environment through dust and emissions, light pollution, noise and vibration during deconstruction and construction.

The City Council's standard condition restricting the hours building works can be carried out to between 08.00 and 18.00 Monday to Friday, 08.00 and 13.00 on Saturday and not at all on Sundays, bank holidays and public holidays, is recommended to be imposed to limit the disturbance of the construction impact as much as practicable.

A further objection has been received on the grounds that the applicant has no right to alter the airspace. Such matters are private concerns, governed by separate legislative regimes and planning permission could not 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: DAVID DORWARD BY EMAIL AT [ddorward@westminster.gov.uk](mailto:ddorward@westminster.gov.uk).

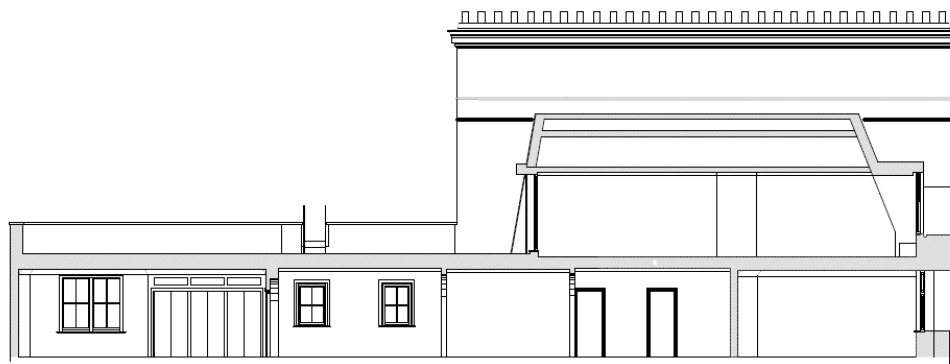
## 9. KEY DRAWINGS



EXISTING FRONT ELEVATION  
SCALE - 1/8"=1'-0"



EXISTING REAR ELEVATION  
SCALE - 1/8"=1'-0"



EXISTING SECTION A  
SCALE - 1/8"=1'-0"

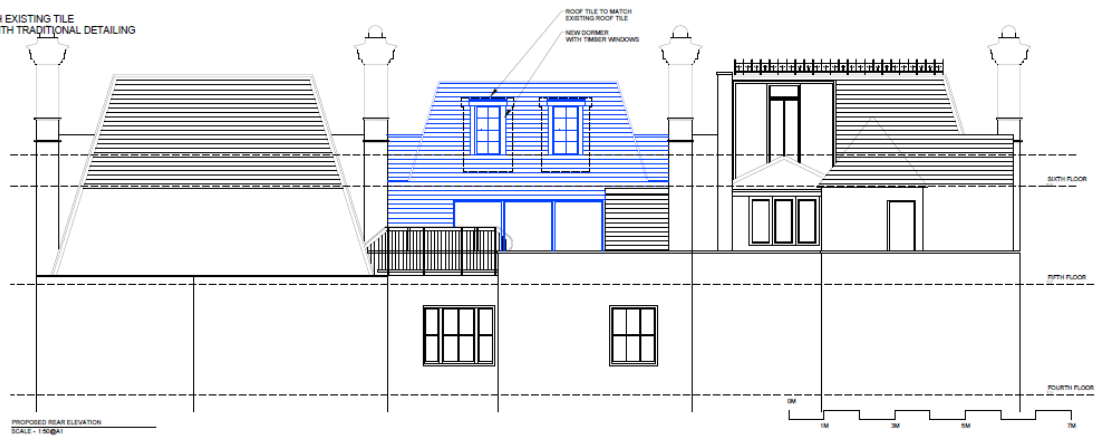
Existing front elevation, rear elevation and section drawings

**FRONT ELEVATION**

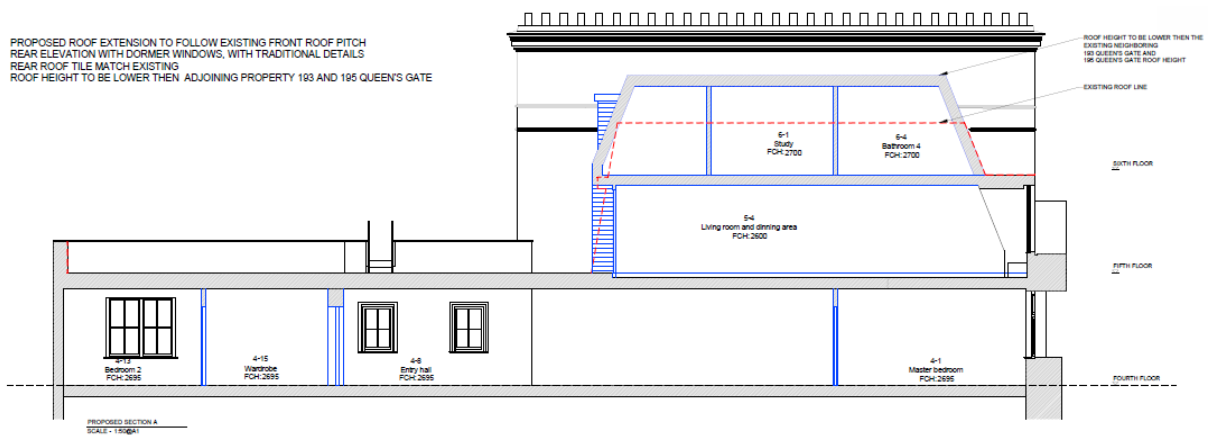
- PROPOSED ROOF TO BE LOWER THAN EXISTING ROOF HEIGHT OF ADJOINING PROPERTY, 193 AND 195 QUEEN'S GATE
- ROOF TILE TO MATCH EXISTING TILE

**REAR ELEVATION**

- PROPOSED ROOF TO BE LOWER THAN EXISTING ROOF HEIGHT OF ADJOINING PROPERTY, 193 AND 195 QUEEN'S GATE
- ROOF TILE TO MATCH EXISTING TILE
- DORMER WINDOW WITH TRADITIONAL DETAILING



- PROPOSED ROOF EXTENSION TO FOLLOW EXISTING FRONT ROOF PITCH
- REAR ELEVATION WITH DORMER WINDOWS, WITH TRADITIONAL DETAILS
- REAR ROOF TILE MATCH EXISTING
- ROOF HEIGHT TO BE LOWER THAN ADJOINING PROPERTY 193 AND 195 QUEEN'S GATE



**Proposed front elevation, rear elevation and section drawings**





**Rear of 194 Queen's Gate**



**Rear of 194 Queen's Gate, with 193 on the left and 195 on the right**

**DRAFT DECISION LETTER**

**Address:** 194 Queen's Gate, London, SW7 5EU,

**Proposal:** Erection of single storey roof extension and bringing forward of rear walls at fifth floor level to create additional residential accommodation in connection with the existing flat at fourth and fifth floor levels (Flat 7).

**Plan Nos:** 194QG-01; 194QG-(01)-PL4; 194QG-(01)-PL5; 194QG-(01)-PLR; 194QG-(51)-1; 194QG-(03)-PL4; 194QG-(03)-PL5; 194QG-(03)-PL6 (OP2); 194QG-(03)-PLR (OP2); 194QG-(03)-PL6 (OP2) Rev. A; 194QG-(52)-PL1 (OP2) Rev. A; 194QG-(03)-PLR (OP2) Rev. A.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

**Recommended Condition(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 Knightsbridge 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 apply to us for approval of details of the following parts of the development:

- a) Detailed drawings, including sections, of the new dormer windows at a measured scale of 1:10;
- b) Detailed drawings of the roof lights and roof hatch at a measured scale of 1:10.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26CB)

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 Knightsbridge 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 The principal slopes of the mansard shall be clad in a natural welsh slate of a grey/ blue colour and the dormer shall be faced to sides, cheeks and roof in lead.

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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The new dormer windows shall be double-hung sliding sashes formed in white painted timber framing with integral glazing bars.

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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

**Reason:**

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

**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, neighbourhood plan (where relevant), 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 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 **HIGHWAYS LICENSING:**  
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.

**CONSIDERATE CONSTRUCTORS:**

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, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

- 4 You may need planning permission to relocate any satellite dishes, aerials, etc. as a result of the roof extension.