

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 30 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	58A Denbigh Street, London, SW1V 2EU		
Proposal	Installation of a window in the rear elevation		
Agent	Mr James Hutchison		
On behalf of	Mr Toby Flaux		
Registered Number	16/03700/FULL	Date amended/ completed	28 April 2016
Date Application Received	25 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

58a Denbigh Street is an unlisted building of merit located within the Pimlico Conservation Area. The property is a six storey building which is in use as 5 flats. The application site relates to a two bedroom flat located at the lower ground floor of the property.

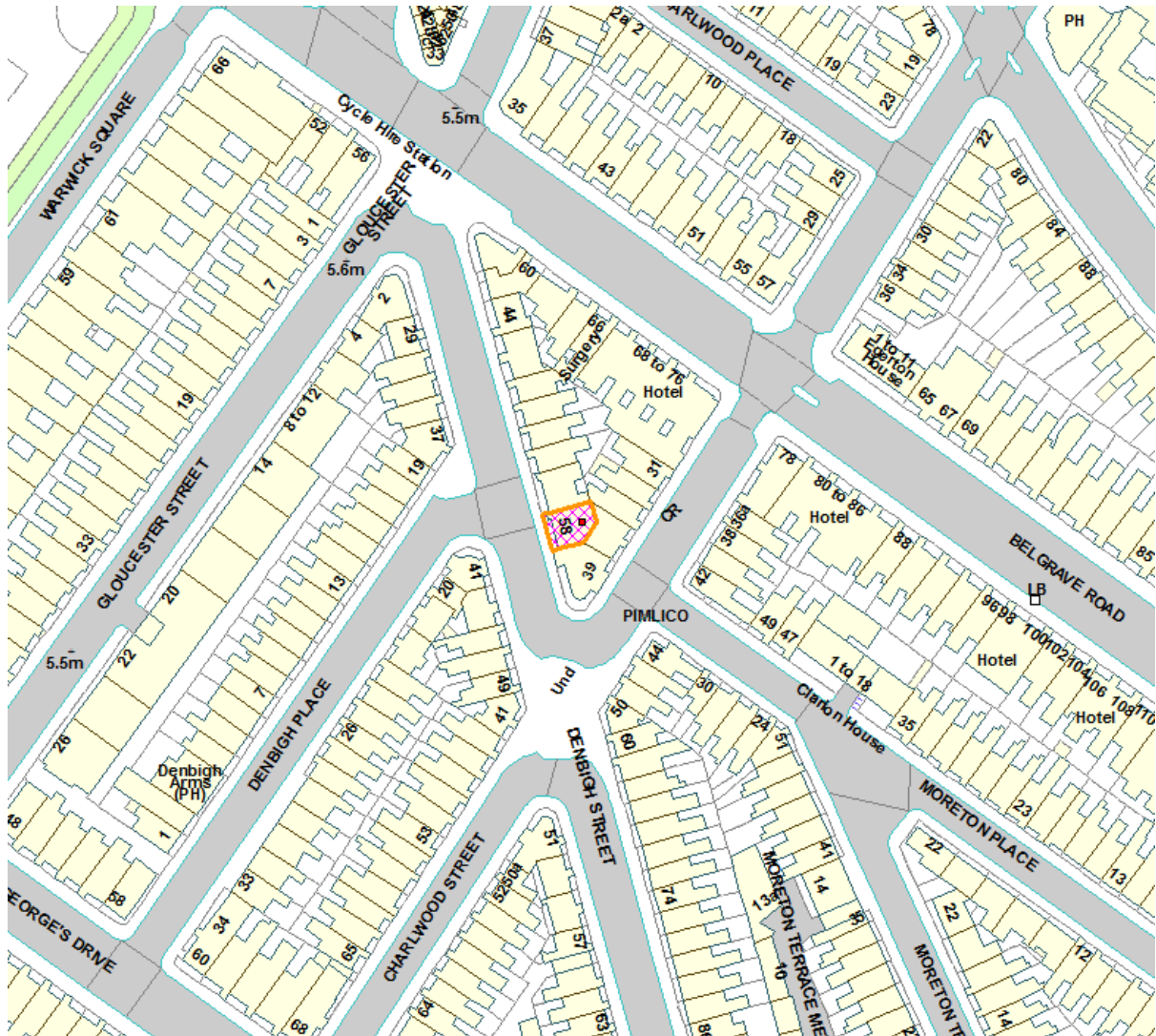
Planning permission is sought for the insertion of a new window into the rear elevation at basement level. The proposed window would face onto the courtyard of 37 Charlwood Street.

The key issue in this case is:

* The impact of the proposals on neighbouring residential amenity.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



58 Denbigh Street

5. CONSULTATIONS

Westminster Society: No objections.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 17

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Five Letters of objection have been received from the owners/occupiers of 37 and 37a Charlwood Street on the following grounds:

Amenity

- Overlooking of the courtyard and basement property

Other

- Inaccuracies in drawings and statements provided by the applicant
- Fire hazard
- Will affect the ability of no.37 to develop the courtyard in the future.
- No consultation with 37/37a

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

58a Denbigh Street is an unlisted building of merit located within the Pimlico Conservation Area. The property is a 6 storey building which is in use as 5 flats. The application site relates to a two bedroom flat located at the lower ground floor of the property.

6.2 Recent Relevant History

Planning permission was granted on 17th September 2013 for the installation of a glazed canopy over the rear courtyard/ lightwell area to provide additional residential accommodation to the basement flat. (Reference 13/06632/FULL).

7. THE PROPOSAL

Planning permission is sought for the insertion of a new window into the rear elevation at basement level. The proposed window would face onto the courtyard of 37 Charlwood Street.

8. DETAILED CONSIDERATIONS

8.1 Land use

There are no land use implications.

8.2 Townscape and Design

The proposed window is acceptable in design terms.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

Planning permission was previously granted on the 17th September 2013 (RN:13/06632/FULL) for the infill of the light well area of 58a Denbigh Street to create habitable space. This permission has since been implemented and the applicant is now seeking to insert a window into the rear facing bedroom as the sole means of daylight is provided by what is now an internal window into a covered lightwell.

The proposed window will face onto a courtyard that is enclosed by the rear elevations of 58 Denbigh Street and 37 Charlwood Street, this forms a small triangular shaped area into which there is no public visibility. There are a number of windows serving 37 Charlwood Street which face onto the courtyard. There is direct access to the courtyard from the basement flat (37a Charlwood Street). Objections have been received from the occupier of the basement flat and the freeholders of 37 Charlwood St. The rear courtyard to which the window will face onto is an amenity area for 37a Charlwood Street. The key issues raised within the objections are with regards to privacy issues stating that the proposed window at the rear elevation of 58A Denbigh Street would be an infringement of privacy to the basement flat (37A Charlwood Street) and their associated private garden (The light well of 37 Charlwood Street, labelled as a courtyard on the plans).

The rear windows of 37A Charlwood Street are less than 3m away from the proposed window of 58A Denbigh Street and could allow clear vision from 58A Denbigh Street to the bathroom of 37A Charlwood Street and the window as proposed will negatively affect the occupier's use of the private patio/yard.

In the initial proposal 50% of the window had obscure glazing with an opening height of 1100mm. Following the objections with regards to privacy issues the applicant amended the proposal to include obscure glazing raised to the top glazing bar level and has reduced the opening to 150mm from the top of the window. However, it is recommended that an amending condition is applied to ensure that the window is fully obscured and fixed shut to ensure that there is no potential for either overlooking or noise. On this basis, the application is considered acceptable and will comply with ENV13 and S29.

8.4 Transportation/ Parking

The proposal does not raise any transportation or parking considerations.

8.5 Economic Considerations

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

8.6 Access

Not applicable.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.9 Planning Obligations

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

8.10 Environmental Impact assessment

The environmental impacts of the proposed development are not significant and the development is of insufficient scale to warrant the submission of an Environmental Impact Assessment.

8.11 Other Issues

The fire safety issue raised by objectors is controlled by Building Regulations, with which the new window will have to comply. The matter is not one on which it would be reasonable for the City Council to refuse planning permission.

In terms of the future potential for development at 37a Charlwood Street, any planning application will be assessed on its own merits in line with the Council's development plan policies applicable at the time of application. It should be noted however that the Council could not afford any protection to the proposed window given its location in the boundary wall – an informative to this effect is recommended.

The lack of consultation between neighbours is not a matter on which planning permission could be refused; neighbouring properties were consulted as part of the City Council's own notification procedure following the receipt of a planning application.

9. BACKGROUND PAPERS

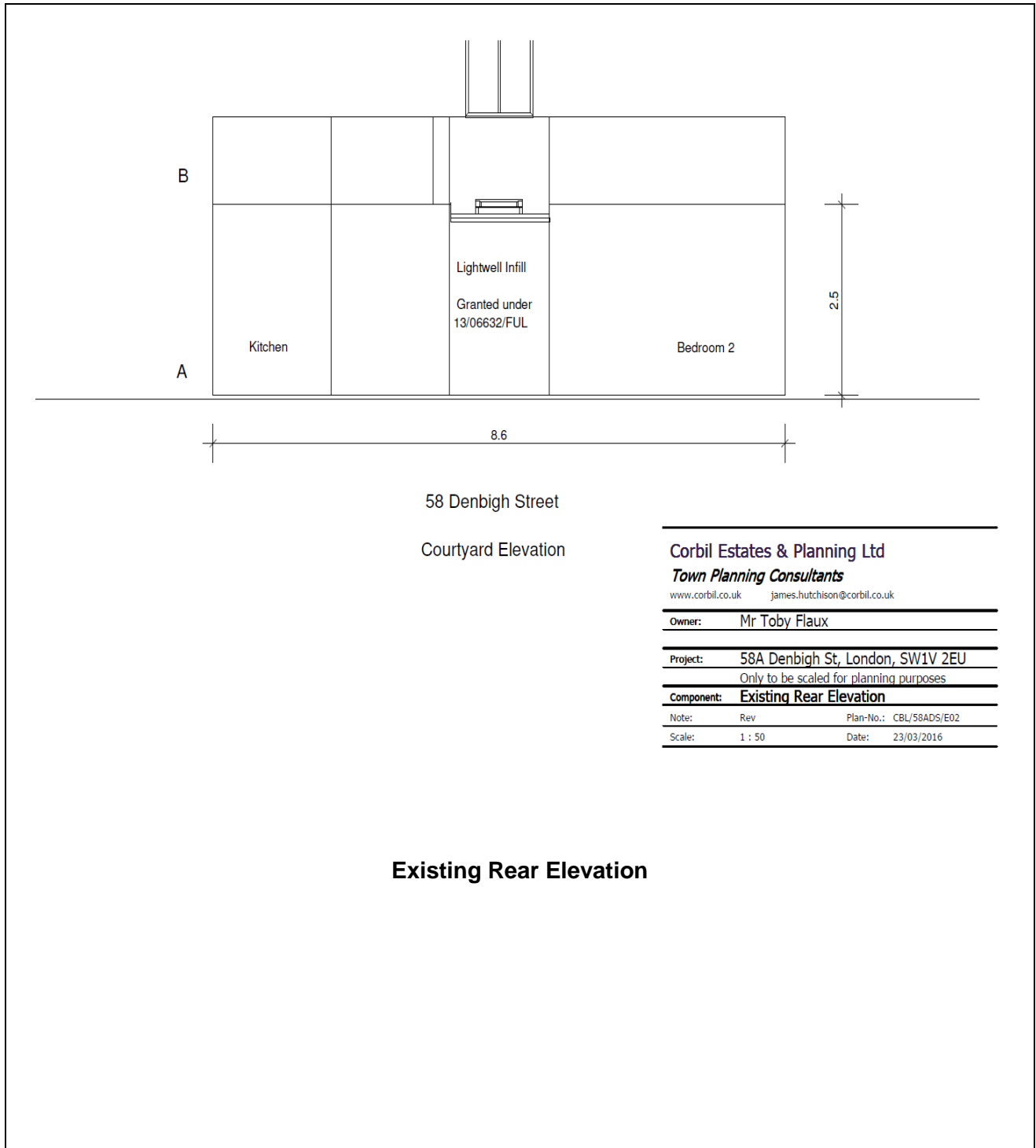
1. Application form
2. Response from Westminster Society, dated 10 May 2016
3. Letter from occupier of 37a Charlwood St, Pimlico, dated 29 May 2016
4. Letter from occupier of 37 Charlwood Street, London, dated 11 May 2016
5. Letter from occupier of 37 Charlwood Street, London, dated 28 July 2016
6. Letter from occupier of 37 Charlwood Street, London, dated 4 May 2016
7. Letter and email from Corbil estates on behalf of the applicant, dated 18 May and April 2016

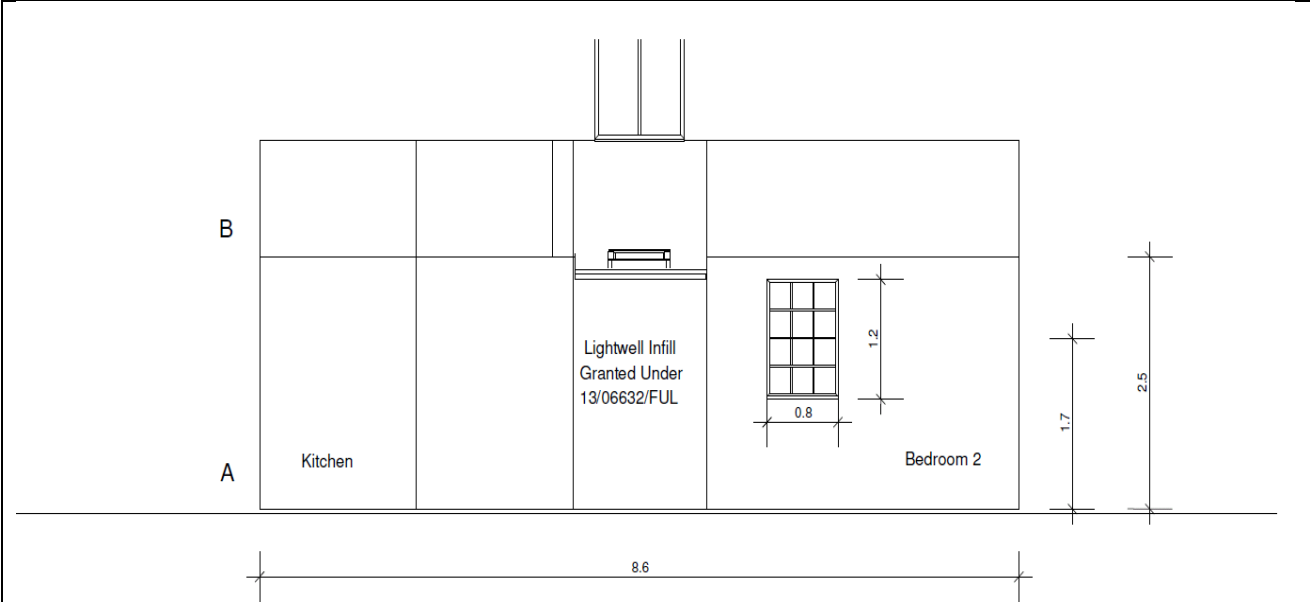
Selected relevant drawings

(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: LOUISE FRANCIS BY EMAIL AT southplanningteam@westminster.gov.uk

10. KEY DRAWINGS





58 Denbigh Street

Courtyard Elevation

Corbil Estates & Planning Ltd
Town Planning Consultants

www.corbil.co.uk james.hutchison@corbil.co.uk

Owner: Mr Toby Flaux

Project: 58A Denbigh St, London, SW1V 2EU

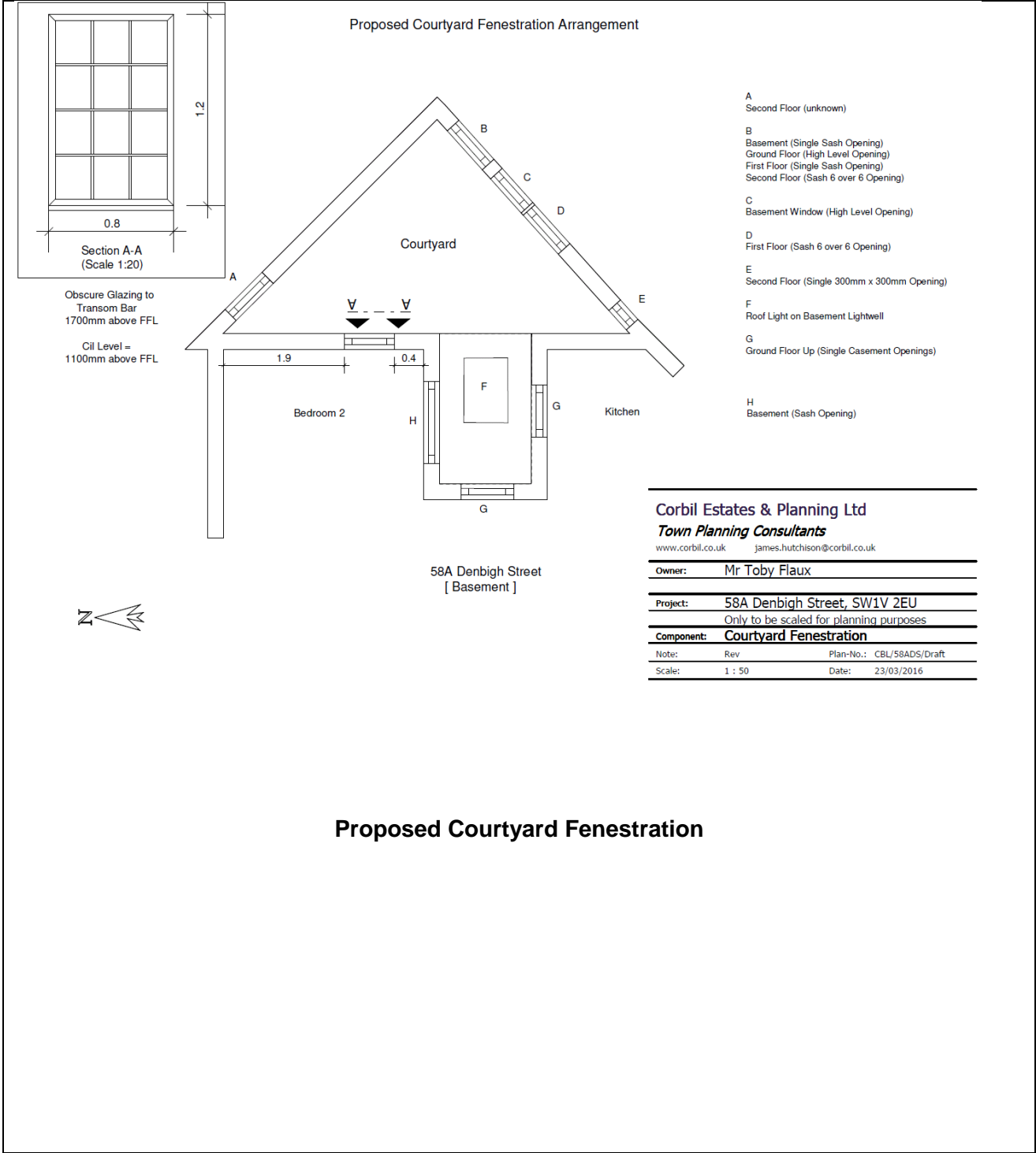
Only to be scaled for planning purposes

Component: Proposed Rear Elevation

Note: Rev Plan-No.: CBL/58ADS/P02

Scale: 1 : 50 Date: 23/03/2016

Proposed Rear Elevation



Proposed Courtyard Fenestration

DRAFT DECISION LETTER

Address: 58A Denbigh Street, London, SW1V 2EU

Proposal: Installation of a window in the rear elevation

Reference: 16/03700/FULL

Plan Nos: Site Location Plan; CBL/58ADS/E01; CBL/58ADS/E02; CBL/58ADS/E03;
CBL/58ADS/Draft; CBL/58ADS/P01; CBL/58ADS/P02; CBL/58ADS/P04;
CBL/58ADS/Draft; CBL/58ADS/E05.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.

(C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The glass that you put in the Window in the rear elevation of the property (basement flat) must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that, given the approved window is within a boundary wall, the City Council cannot protect it in the event that any neighbouring land is developed.