

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 21 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Flat 1 Berkeley Court , Marylebone Road, London, NW1 5NA		
Proposal	Amalgamation of Flat 1 and Flat 5 to form one maisonette at first and second floor levels.		
Agent	Miss Eno Akpan		
On behalf of	Mr Sumit Arora		
Registered Number	16/11231/FULL	Date amended/ completed	1 December 2016
Date Application Received	25 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Berkeley Court is a mansion block which is an unlisted building located within the Dorset Square Conservation Area. Permission is sought for the vertical amalgamation of 2 flats, Number 1 (at first floor) and Number 5 (at second floor) through the installation of an internal staircase. No external alterations are proposed.

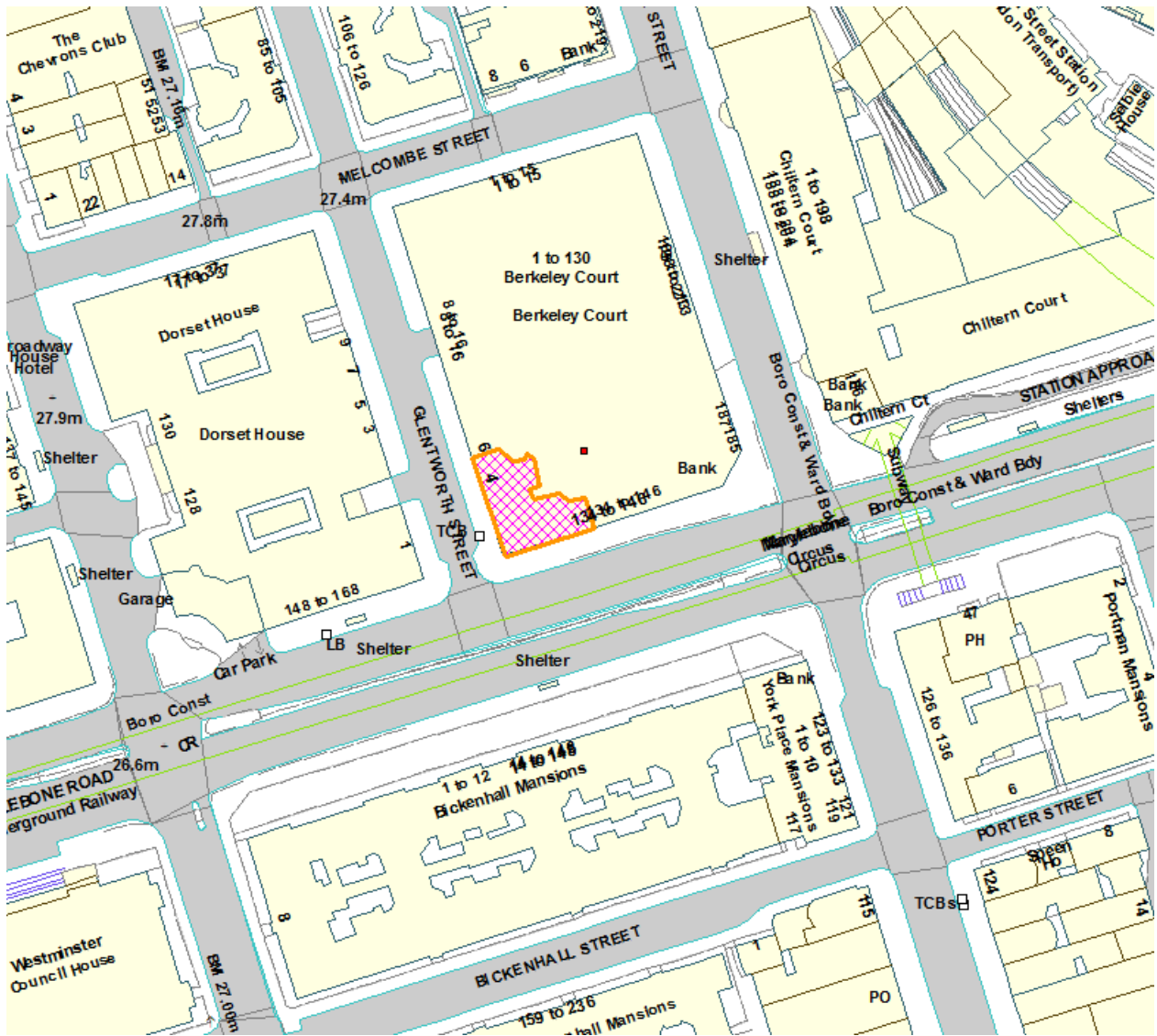
The St Marylebone Society has raised an objection to the loss of a residential unit. An objection has also been received from a neighbouring flat within the mansion block on land use grounds.

The key issues in this application is:

- The loss of one residential unit in land use terms.

The application is considered to comply with the Council's policies in relation to land use as set out in Westminster's City Plan and the Unitary Development Plan (UDP) and is accordingly recommended for approval.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or

4. PHOTOGRAPHS

7 Feb 2017, 16:51:55



5. CONSULTATIONS

THE ST MARYLEBONE SOCIETY

Raise an objection on the following grounds:

- Residents within the mansion block are uneasy about the proposal which may lead to setting a precedent to combine units.
- Loss of housing unit.
- Concerns over staircase not being fire protected.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 185

No. of objections: 3 representations from 1 resident on the following grounds:

Land Use:

- Loss of housing unit.
- References a past planning application reference number (14/08889/FULL - 1 and 2 Cornwall Terrace), which was withdrawn following officer advice the application was to be refused on the grounds of not meeting Policy S14.

Other:

- Set an unwanted precedent.
- As the stairs are not fire rated, the works would result in a fire risk.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Berkeley Court is a mansion block which is unlisted and lies within the Dorset Square Conservation Area. At present, the building is divided into many flats ranging in sizes and this application relates to Flats 1 and 5 at first and second floor levels.

6.2 Recent Relevant History

No recent history.

7. THE PROPOSAL

Permission is sought for the amalgamation of two flats though the installation of an internal staircase between Flat 1 (first floor) and Flat 22 (second floor), the resulting flat would be a family sized dwelling with 5 bedrooms. No external alterations are proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The relevant policy of Westminster's City Plan is policy S14, which states that all residential uses, floorspace and land will be protected and proposal that would result in a reduction in the number of residential units will not be acceptable except where the proposal meet at least one of three scenarios. The third scenario states that permission may be allowed where 2 flats are being joined to create a family-sized dwelling. Westminster's Unitary Development Plan recognises 'family sized housing unit' to comprise of 3 or more bedrooms.

As the proposal includes 2 flats being joined to create a family-sized, 5 bedroom dwelling, it is considered that the application meets the exception test set out within policy S14 and is therefore acceptable in terms of land use. Therefore, while the St Marylebone Society and the local resident's comments are noted, it is considered that the proposed amalgamation meets the requirements of this policy.

The objector has referenced a past planning application, which was for the amalgamation of 1 and 2 Cornwall Terrace (RN: 14/08889/FULL). The application was to be presented to a planning committee for determination with a recommendation for refusal on the grounds of not meeting Policy S14 of the City Plan due to the loss of family housing, however was withdrawn prior to the determination of the application. It is not considered that this case is comparable as it relates to the amalgamation of two flats rather than two single family houses, and given the referenced application was not formally determined.

8.2 Townscape and Design

No external works are proposed and as the property is not listed building the internal alterations do not require listed building consent.

8.3 Residential Amenity

It is not considered that the internal alterations to amalgamate the two units will give rise to any significant amenity issues.

8.4 Transportation/Parking

Given the proposals result in a reduction in the number of units, there will be no increased pressure on parking.

8.5 Economic Considerations

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

8.6 Access

Access to the site will remain the same as the current situation.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

The proposals do not trigger the requirement for a Community Infrastructure Levy payment.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

None

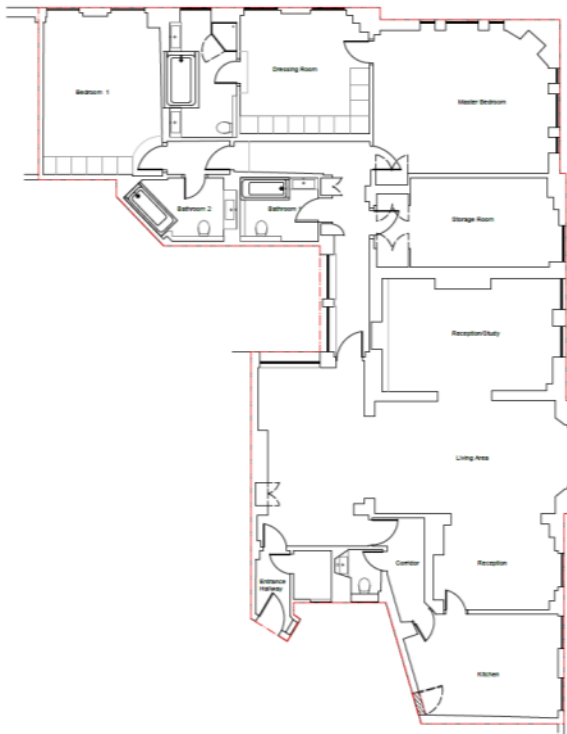
9. BACKGROUND PAPERS

1. Application form
2. Response from The St Marylebone Society, dated 13 December 2016
3. Letters from occupier of 12 Berkeley Court, London, dated 15, 16 and 17 December 2016

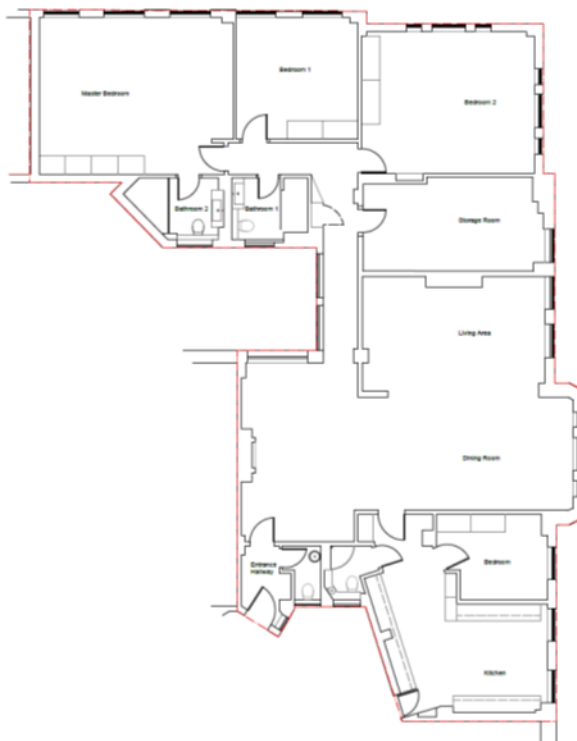
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

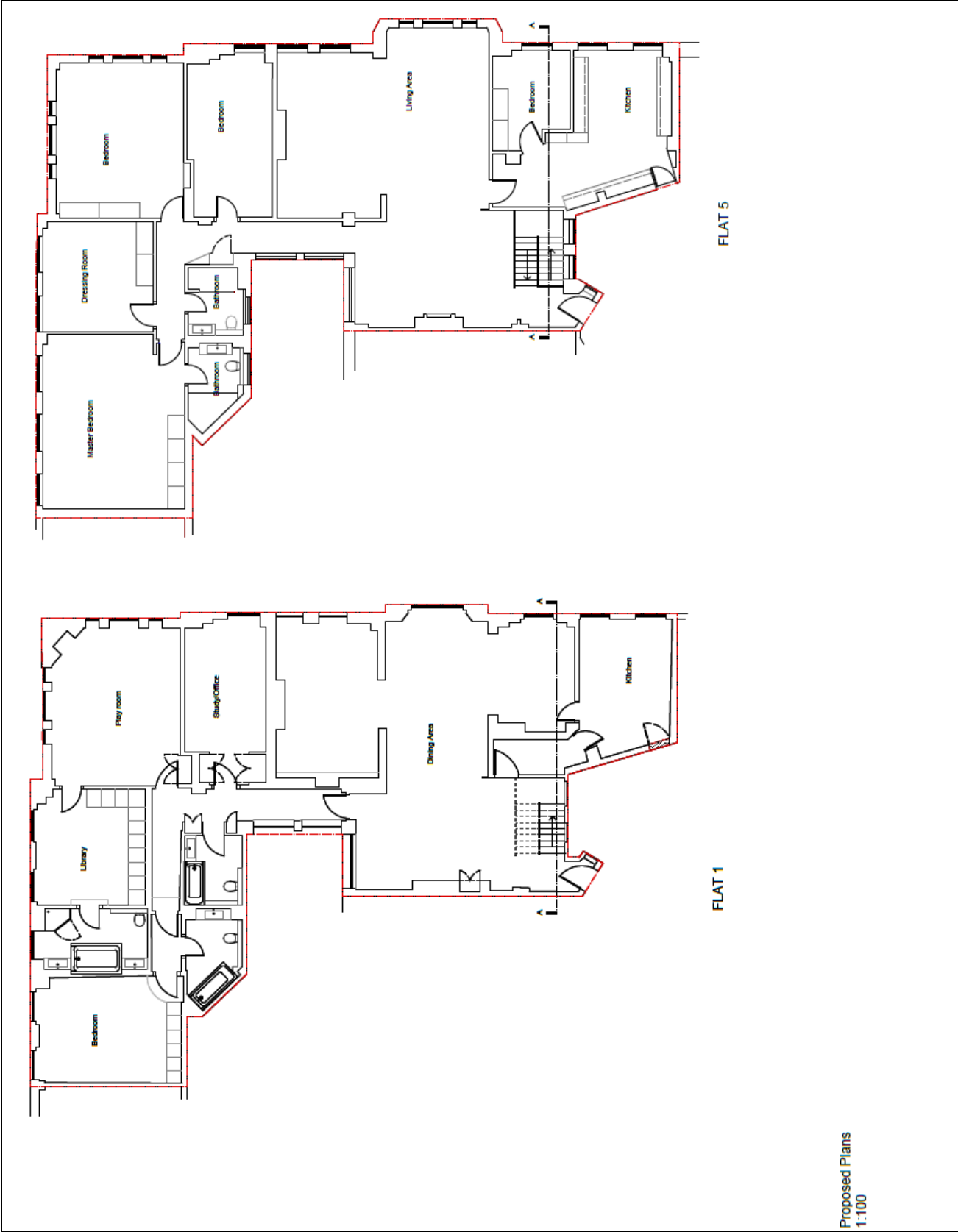
10. KEY DRAWINGS



Existing Flat 1 Floor Plan
1:100



Existing Flat 5 Floor Plan
1:100



DRAFT DECISION LETTER

Address: Flat 1 Berkeley Court , Marylebone Road, London, NW1 5NA

Proposal: Amalgamation of Flat 1 and Flat 5 to form one maisonette at first and second floor levels.

Reference: 16/11231/FULL

Plan Nos: Site Location Plan (1512_3110), 1513_3111, 1513_3112, 1513_3114 and Design and Access Statement dated October 2016.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

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 (November 2016) 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, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This permission does not allow any work which would change the outside appearance of the property. (I18AA)

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.