

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Warwick	
<b>Subject of Report</b>	<b>74 Cambridge Street, London, SW1V 4QQ</b>		
<b>Proposal</b>	Variation of condition 1 of planning permission dated 20 May 2015 (RN 15/02655/FULL) for extension at lower ground floor level to include use of part of roof as terrace, demolition and rebuilding of closet wing with alterations to windows and doors, namely to remove roof light from ground floor infill extension and insert gate into roof railings (retrospective).		
<b>Agent</b>	Mr Jeremy Ashworth		
<b>On behalf of</b>	Mr Edward Walker		
<b>Registered Number</b>	16/12115/FULL	<b>Date amended/ completed</b>	21 December 2016
<b>Date Application Received</b>	21 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

74 Cambridge Street is an unlisted building of merit located within the Pimlico Conservation Area. The property is divided into two residential flats, one flat at lower ground floor level and one flat at ground and upper floor levels.

Permission was granted in May 2015 for the construction of a lower ground floor extension. This included the provision of a large roof light and the use of part of the roof of the extension as a terrace for the upper floor flat. The permission for the extension has commenced and construction is under way.

This application seeks permission for the retention of a gate into the approved railings that enclose the lawful terrace and to revise the plans to show the omission of the large roof light in the extension.

The application has arisen following a complaint to our planning enforcement team raising concerns

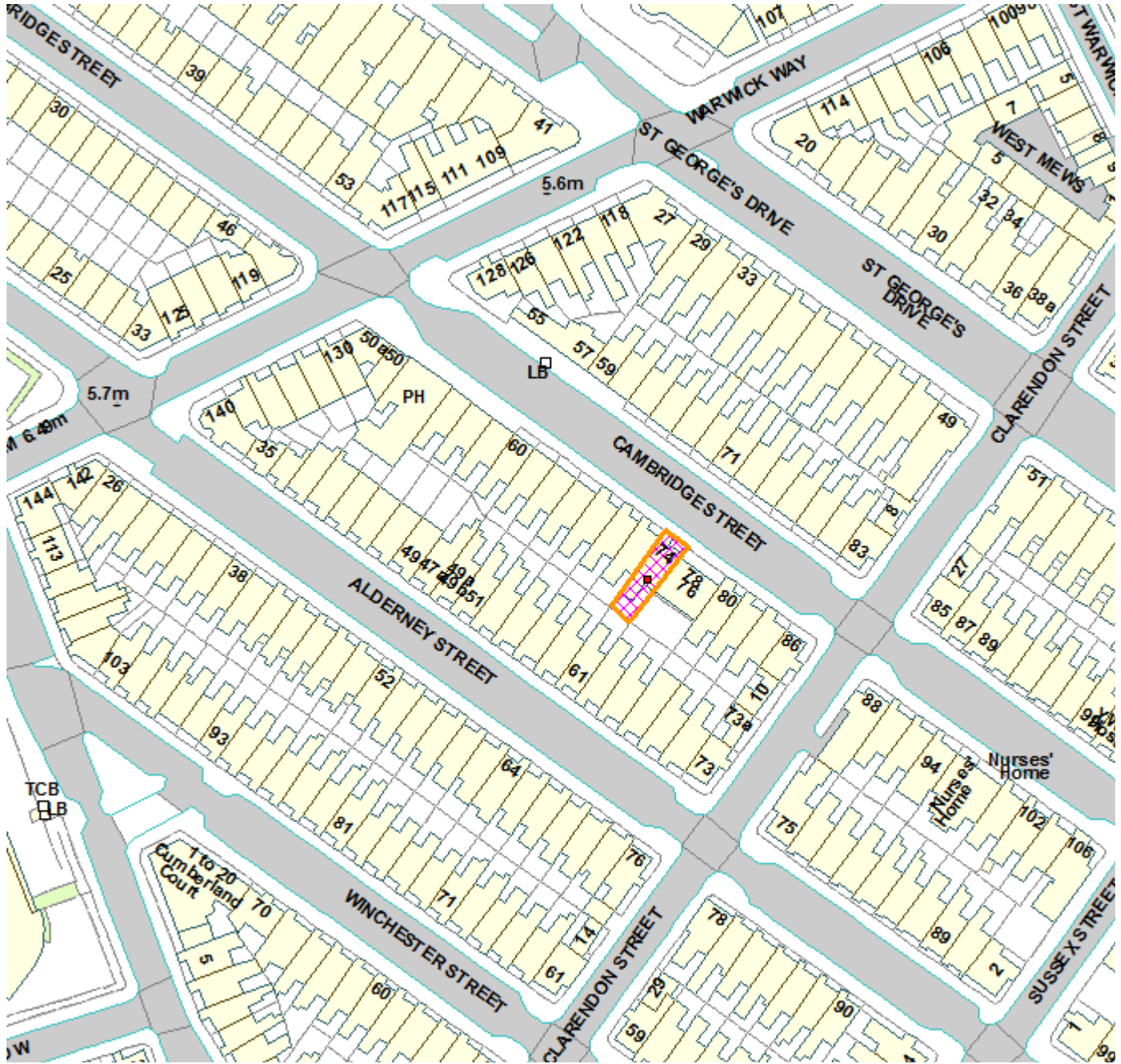
that the roof of the extension is to be used as a large roof terrace in breach of conditions 1 and 4 of the original permission.

The key issues with this application are whether the proposed changes are acceptable in design and amenity terms.

An objection has been received from the neighbouring occupier on the grounds of loss of residential amenity in terms of loss of privacy, overlooking and noise disturbance. Whilst the objection is noted, for the reasons set out in the report, it is not considered that these are sustainable grounds to refuse the application.

The proposed development would be consistent with relevant development plan policy in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the proposal is acceptable in terms of design and amenity terms and the application is recommended for approval subject to the conditions set out in the draft decision letter.

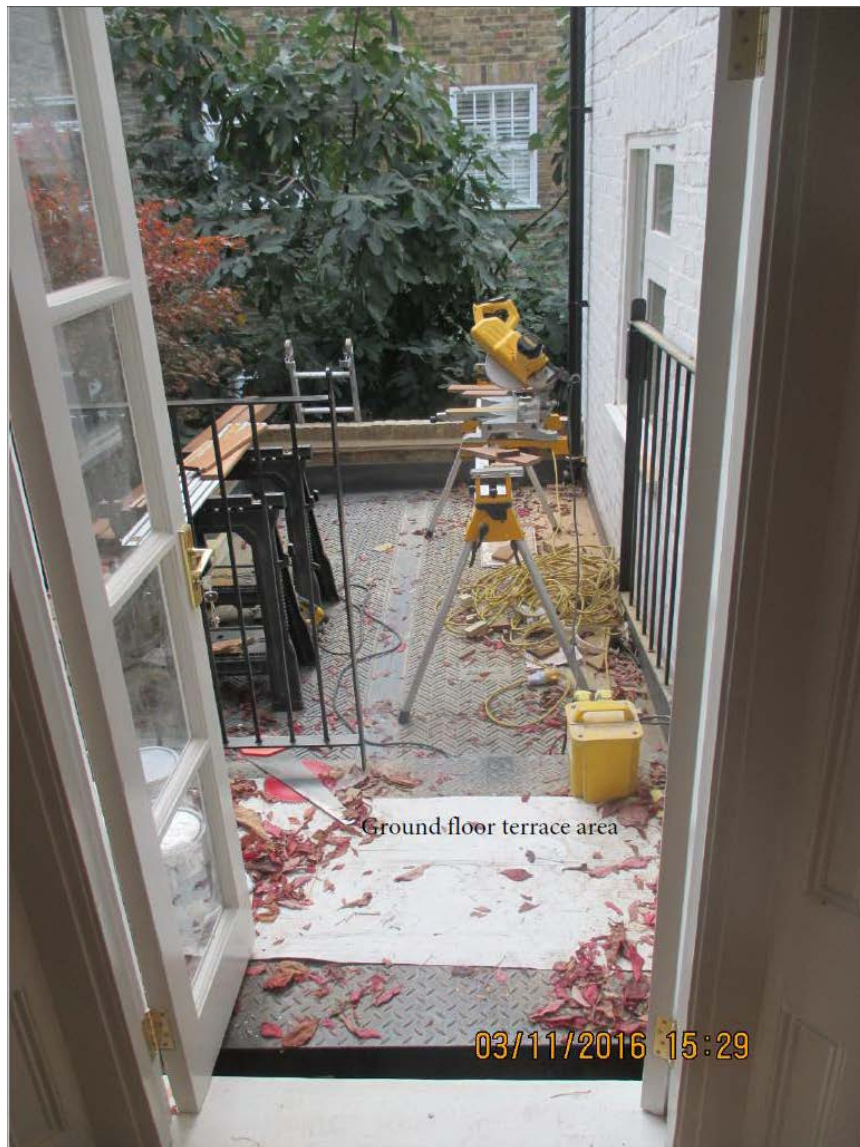
3. LOCATION PLAN



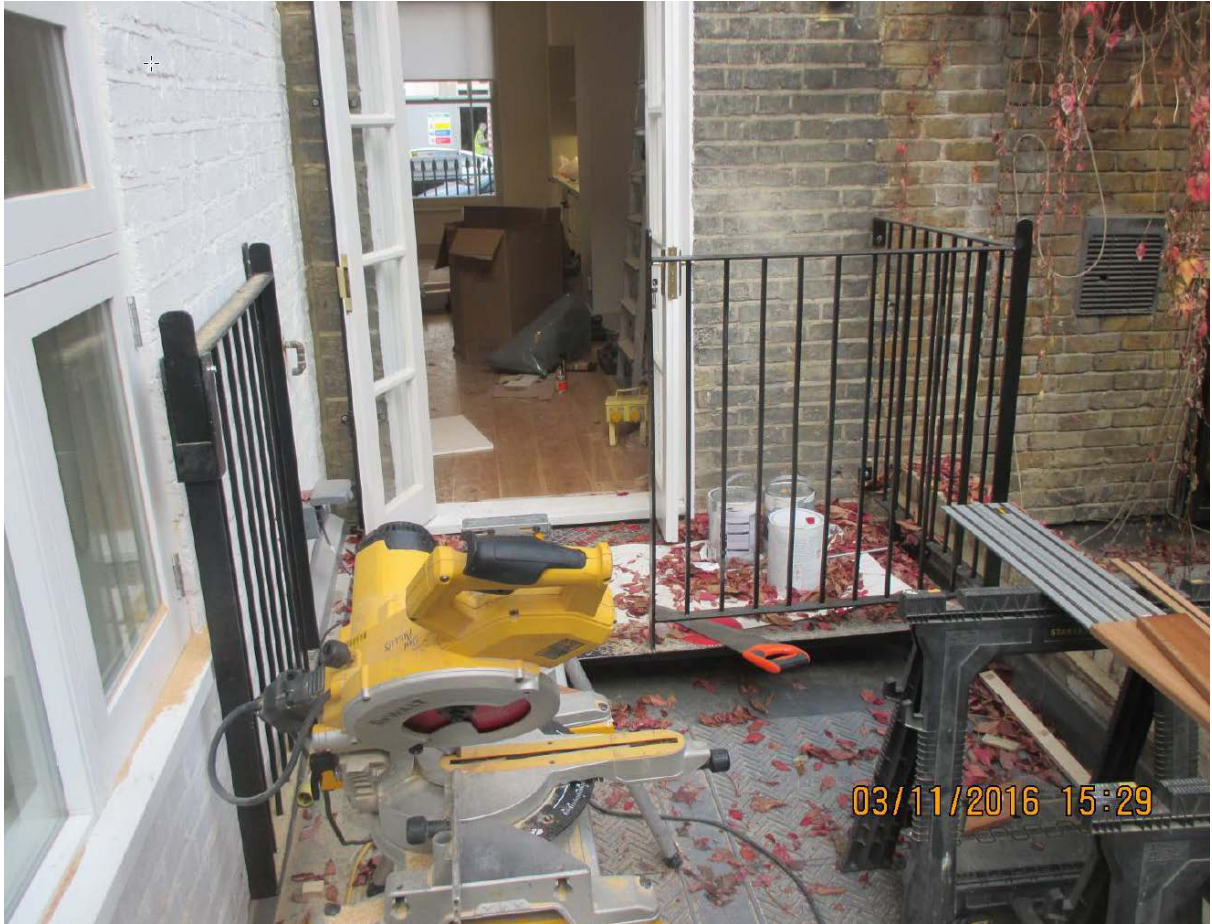
4. PHOTOGRAPHS



Front elevation



**View of lower ground floor terrace under construction with gate installed**



**View of railing to approved terrace as constructed with gate installed.**

## 5. CONSULTATIONS

WESTMINSTER SOCIETY

No comment

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 1

No. of objections: 1

No. in support: 0

On letter of objection received on the following grounds: loss of privacy, overlooking and noise disturbance.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

74 Cambridge Street is an unlisted building of merit located within the Pimlico Conservation Area. The property is divided into two residential flats, one flat at lower ground floor level and one flat at ground and upper floor levels.

### 6.2 Recent Relevant History

Permission was granted 20 May 2015 for extension at lower ground floor level to include use of part of roof as terrace. Demolition and rebuilding of closet wing with alterations to windows and doors.

Permission was granted on 10 February 2016 to vary condition 1 of planning permission dated 20 May 201, namely to raise the height of the rear closet wing and associated replacement of a door with a window.

## 7. THE PROPOSAL

Permission was granted in May 2015 for the construction of a lower ground floor extension. This included the provision of a large roof light and the use of part of the roof of the extension as a terrace for the upper floor flat. The permission for the extension has commenced and construction is under way.

This application seeks permission to retain a gate into the approved railings that enclose the lawful balcony / terrace and to revise the plans to show the omission of the large roof light in the extension.

The applicant advises that the rooflight has been omitted for cost saving reasons.

The application has arisen following a complaint to our planning enforcement team raising concerns that the roof of the extension is to be used as a large roof terrace in breach of conditions 1 and 4 of the original permission.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Townscape and Design**

The gate has no material impact on the appearance of the railings when compared with the approved scheme. The removal of the roof light is not considered contentious in design terms.

### **8.2 Residential Amenity**

The permission from May 2015 included the provision of a small balcony / terrace with railings. Condition 4 on the planning permission stated that no other part of the roof of the approved lower ground floor extension can be used for sitting out of for any other purpose.

The concerns raised by the neighbour about use of the entire roof of the approved extension as a terrace and the implications for loss of privacy and noise are legitimate. Such a use would result in loss of amenity through overlooking. However this proposal does not seek permission to use the entire roof of the approved extension as a terrace. It is seeking retrospective permission for the removal of the rooflight and to install a gate into the approved balcony railings.

The applicant advises that the gate is required to allow escape onto the roof of the extension in an emergency and there is no intention to use the remaining roof of the lower ground floor extension as outdoor amenity space. There is no objection to the provision of a gate in amenity terms subject to an additional condition requiring the gate to be kept shut except when in use for emergency escape purposes.

Given that the terrace area remains the same as approved in May 2015, the proposal is considered acceptable in amenity grounds. The removal of the rooflight for cost saving purposes raises no amenity issues.

### **8.3 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.4 London Plan**

This application raises no strategic issues.



### **8.5 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.

### **8.6 Planning Obligations**

The proposed scheme is not liable to CIL.

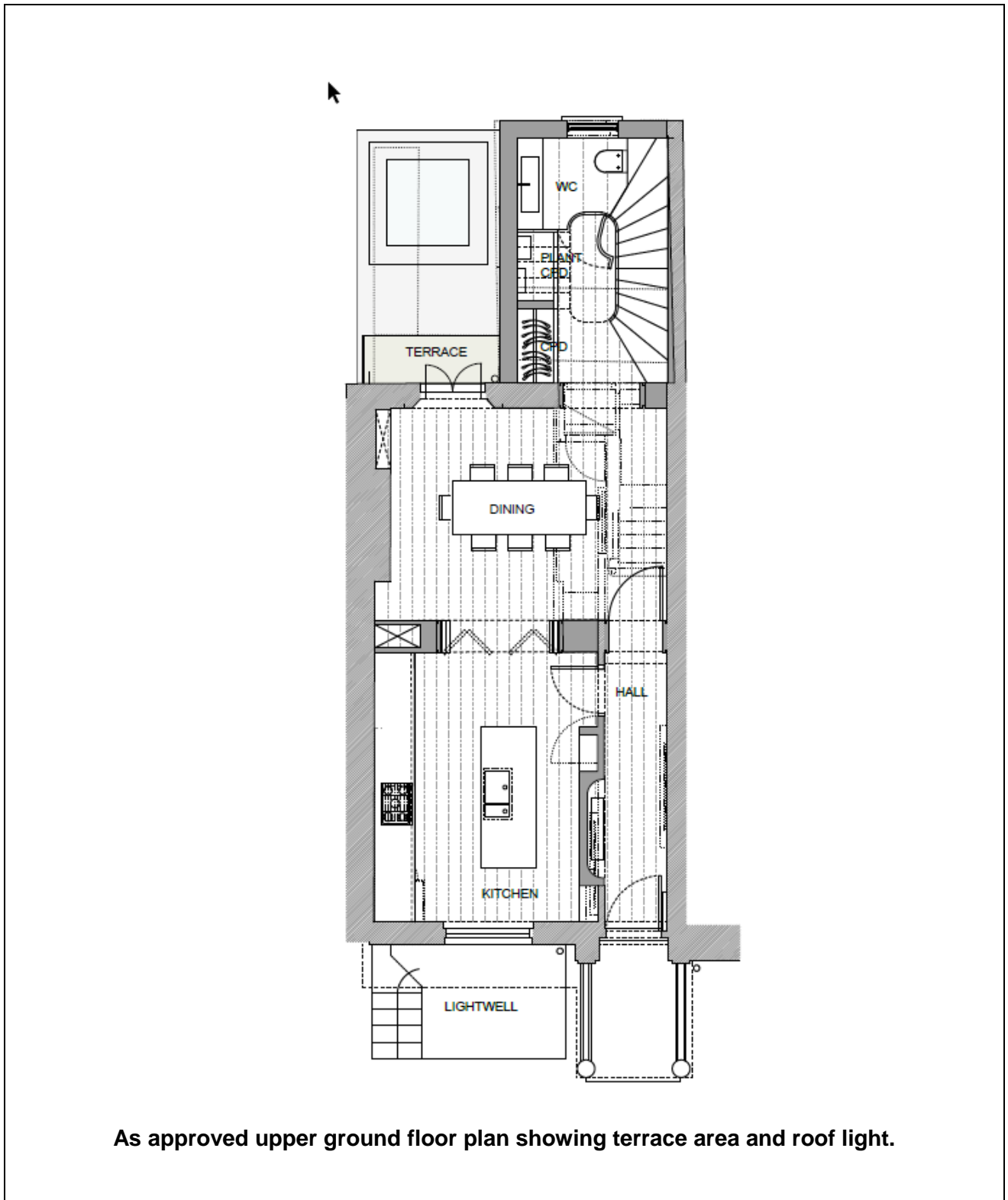
## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Westminster Society, dated 17 January 2017
3. Letter from occupier of 76 Cambridge Street, Pimlico, dated 18 January 2017

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

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

10. KEY DRAWINGS



As approved upper ground floor plan showing terrace area and roof light.



As proposed upper ground floor plan showing access gate and omission of roof light



As proposed rear elevation showing new gate

**DRAFT DECISION LETTER**

- Address:** 74 Cambridge Street, London, SW1V 4QQ
- Proposal:** Variation of condition 1 and 4 of planning permission dated 20 May 2015 (RN 15/02655/FULL) for the extension at lower ground floor level to include use of part of roof as terrace. Demolition and rebuilding of closet wing with alterations to windows and doors from (RN 15/02655/FULL). NAMELY, to remove roof light from ground floor infill extension and insert gate into roof railings.
- Reference:** 16/12115/FULL
- Plan Nos:** Previously approved 15/02655/FULL: 100; MS-4365A basement and ground floors; MS-4365A first, second, and third floors; MS-4365B front and rear elevations; MS-4365B side elevation; MS-4365C; 101 P6; 102 P5; 103 P1; Design and access statement; Daylight and sunlight study dated 6 March 2015.

Revised documents:

101; 102-S73 P5; two un-numbered photographs of existing and proposed railings.

**Case Officer:** Aurore Manceau

**Direct Tel. No.** 020 7641 7013

**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)

- 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 Other than the terrace area shown on drawing 101 you must not use the roof of the lower ground floor extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. The railings around the part of the roof that can be used as a terrace area must be retained at all times. (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)

- 5 You must keep the gate closed at all times except when in use for emergency escape purposes. It must not be left open.

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, 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.