

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 5 <sup>th</sup> September 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>15 Cunningham Place, London, NW8 8JT</b>		
<b>Proposal</b>	Erection of single storey rear infill extension at rear ground floor level and alterations to front landscaping including alterations to boundary wall.		
<b>Agent</b>	Ms Sarah Round		
<b>On behalf of</b>	Mr Rupert Whitten		
<b>Registered Number</b>	17/05778/FULL 17/05779/LBC	<b>Date amended/ completed</b>	30 June 2017
<b>Date Application Received</b>	30 June 2017		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

1. Refuse planning permission and listed building consent- design, amenity and prematurity.

## 2. SUMMARY

15 Cunningham Place is a Grade II listed early Victorian property located within the St John's Wood Conservation Area. The property consists of five storeys and is in use as a single family dwelling house.

Planning permission and listed building consent is sought for the erection of a single storey rear extension at ground floor level between the closet wing and boundary wall with No. 14 Cunningham Place.

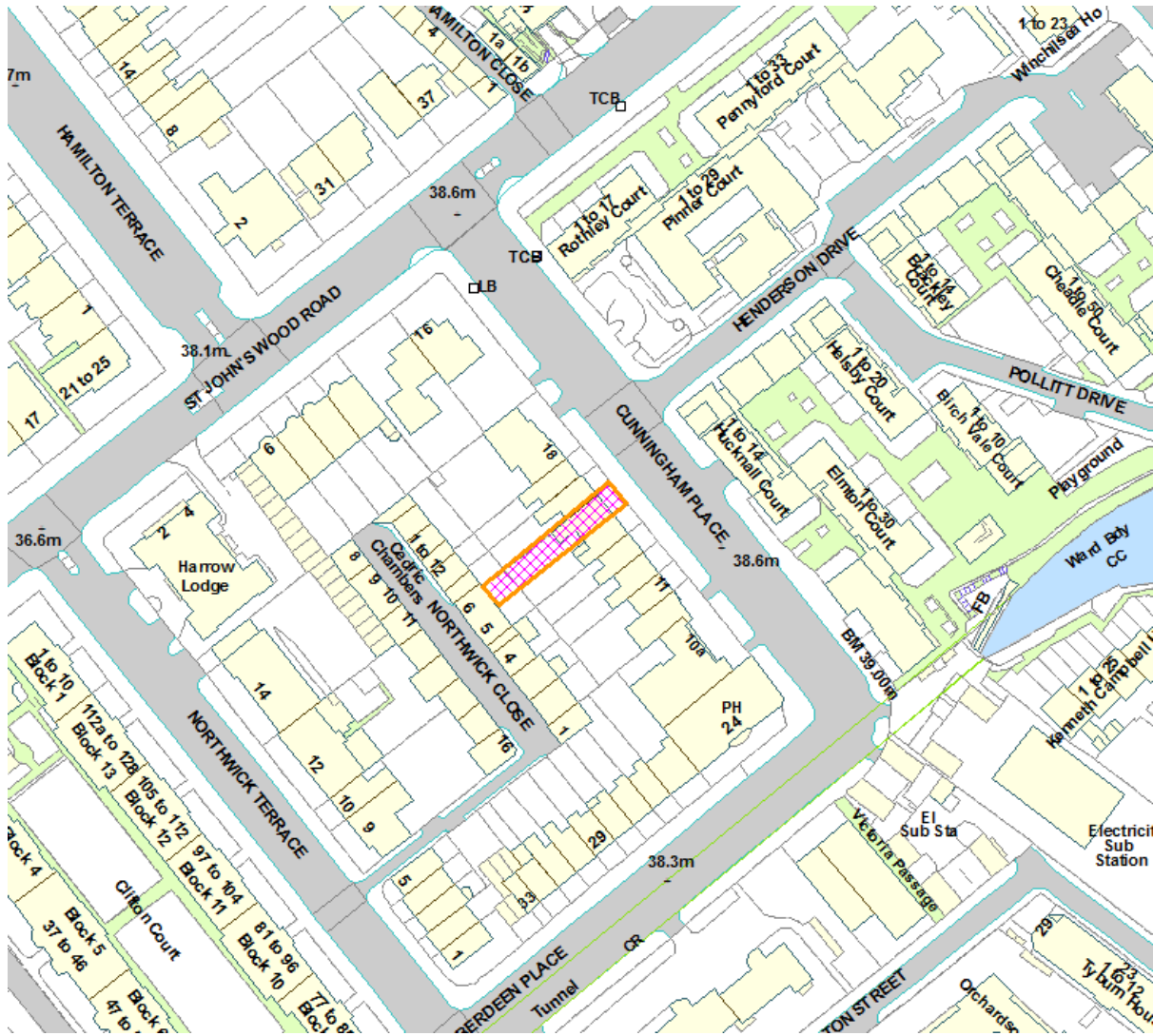
The St John's Wood Society has raised objection on design and listed building grounds. An objection has also been made by the occupier of a neighbouring property on design, amenity and structural grounds. Councillor Mohindra is in support of the proposal along with two neighbours.

The key issues in this case is:-

- The impact on the character and appearance of the listed building and this part of the S John's Wood Conservation Area.
- The impact on the amenities of neighbours.

The proposal is considered to harm the character and appearance of the listed building and the St John's Wood Conservation Area and to result in a significant increase in sense of enclosure to a neighbouring property. It is also considered to be premature as it relies on the implementation and completion of another development. As such the proposal fails to meet the relevant Unitary Development Plan and City Plan policies and is recommended for refusal.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Rear elevation



## 5. CONSULTATIONS

COUNCILOR MOHINDRA (Regent's Park Ward)

Supports the application.

St JOHN'S WOOD SOCIETY

Objection on grounds of design, materials, light pollution.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 14

Total No. of replies: 3

No. of objections: 1

No. in support: 2

1 objection raising concerns on some or all of the following grounds:

### DESIGN

- Harm to the listed building and conservation area
- Material

### AMENITY

- Sense of enclosure
- Loss light

### OTHER

- Inaccurate plans
- Flood risk

Subsidence

### SUPPORT

Many other houses on Cunningham Place have the same extension

Proposal sympathetically enhances the dwelling to provide vital family amenity to benefit of community.

No light issues

Will enhance the standard of the building from the rear.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

No.15 Cunningham Place is an attractive Grade II Listed early Victorian property, with rear closet wing, located on the west side of Cunningham Place, within the St John's Wood Conservation Area. The property consists of five stories and is in use as a single family dwelling house.

## 6.2 Recent Relevant History

### 16/01576/FULL

Erection of a single storey glazed rear infill extension at ground floor level and alterations to front landscaping including alterations to boundary wall.

Application Refused                      26 August 2016

### 16/01577/LBC

Erection of a single storey glazed rear infill extension at ground floor level and alterations to front landscaping including alterations to boundary wall.

Application Refused                      26 August 2016

### 15/01446/FULL

Use of the building as a single family dwelling. Excavation of basement in rear garden area with external alterations comprising the erection of single storey infill extension at lower ground floor rear raised terrace with rooflight, and creation of new lightwell to rear elevation of building. Alterations to front boundary wall and lightwell. Replacement windows and door to rear, and internal alterations, including reinstatement of staircase. Removal of trees in rear garden.

Application Permitted                      1 October 2015

### 15/01447/LBC

Excavation of basement in rear garden area with external alterations comprising the erection of single storey infill extension at lower ground floor rear to creating raised terrace with rooflight, and creation of new lightwell to rear elevation of building. Alterations to front boundary wall and lightwell. Replacement windows and door to rear, and internal alterations to create a single family dwelling, including reinstatement of staircase.

Application Permitted                      1 October 2015

## 7. THE PROPOSAL

Planning permission and listed building consent is sought for the erection of a single storey ground floor extension (8m<sup>2</sup>) constructed in bronze with glazing, to the rear of the property between the existing closet wing and the boundary wall with No. 14 Cunningham Place and alterations to front landscaping including alterations to boundary wall.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The extension would increase the amount of habitable floor space and is therefore in accordance with H3 of the UDP and S14 of the City Plan.

### 8.2 Townscape and Design

The extension proposed at ground floor level, taken together with the existing closet wing extension and previously approved lower ground floor extension would represent a full width infill of the rear of the building at both lower ground and ground floor levels, unacceptably enclosing a relatively large section of the original rear elevation of the building from view behind later additions.

The rear window to ground floor level is an apparently later addition, though still remaining as a six over six sash window which sits comfortably with the character of the rear of the building where six over six sash windows are found to the three upper floor levels. Though there is no objection to the removal of the window from a purely loss of original fabric perspective, the removal and replacement with a glazed box style extension would harm the current harmony to the rear elevation with all the windows from ground floor level upwards in a clearly appreciable unified pattern. In addition, the rear elevation of this building is seen in direct context with the main rear elevation of the adjoining building to the south. Each of these buildings incorporates a sash window at ground, first and second floor levels which line up with each other and which are all designed in a six over six arrangements. This provides a significant degree of harmony to these two adjacent listed buildings, and gives a clear sense of the original form of their rear elevations.

The City Council's SPG 'Development and Demolition in Conservation Areas' states that if the building has an L-shaped plan form at the rear then this should normally be retained, i.e. the lightwell should not be infilled, except for a glazed, conservatory type extension at ground floor or basement level (i.e. the lowest floor level to the rear). It goes on to state that generally full width extensions are not acceptable, except in certain circumstances at basement level. It so states that the detailed design and materials used should normally reflect those of the main building. None of these SPG criteria have been met, and the extension represents, along with the previous approval, the enclosure of the remaining open elements of the rear elevation at lower ground and ground floor levels, and the extension is therefore contrary to City Council published guidance.

The overtly modern and highly glazed nature of the extension is considered to integrate particularly poorly with the character of the building, as the building is characterised to the rear with a simply detailed austere and traditional appearance with smaller scale window openings punched into brickwork openings, and in this context the bronze clad and significantly glazed extension would be excessively visually dominant and poorly integrated.

The detailed design in itself appears awkwardly detailed with a thick frame for the door off-centre to the otherwise frameless glazed structure. It has a cluttered form with a lower section to the north side (adjacent to the closet wing), a lower section to the south side (adjacent to the boundary wall) and the main higher central section. In addition, the rooflight projects markedly above the height of the extension, cluttering the impression of the structure further. The bronze cladding again makes the extension more strikingly modern in character than is appropriate for this setting. As set out above, the rear of this building, as is common with such 19th century terraced properties, has a low key, simply detailed austere form of design which is faced in London stock brickwork, and the extension integrates particularly poorly.

It is noted that there is a glazed structure of some size at no. 17 Cunningham Place however this is a notably long standing feature which relates poorly to that building and which is not appropriate for repeating to another listed building.



Internally the ground floor retains much of its original character with both front and rear rooms and the main entrance hall/staircase area retaining their original shape and with cornicing apparently intact and original to at least the front room and of uncertain date but some character to rear room and hallway, window shutters to window surrounds and other features giving a good sense of its original form and character as an early Victorian terraced property of some considerable quality.

The implications for the interior of ground floor level which currently retains a good sense of its original character are also considered unacceptable - as this is the principal floor level in terms of grandeur and original social importance, and instead of the open aspect its rear reception room was originally intended to have out over the rear garden, it would instead be enclosed to the rear by the new extension giving a much diminished sense of its intended position within the hierarchy of the building. The City Council's publication 'Repairs and Alterations to Listed Buildings' states that the plan form of a listed building is usually of great importance and that it provides evidence of how a building was used and that even comparatively minor alterations such as the introduction of new internal doors can affect the special character of an interior. It goes on to state that the size and shape of rooms are fundamental characteristics of listed buildings. The extension proposed, by removing an appropriately detailed sash window to the rear of the rear room and stretching the internal space from two originally proportioned rooms retaining much of their character into one encompassing a strikingly modern extension with main rear room set fully enclosed within the new body of the building could only be considered contrary to the published guidance and considered harmful to the character of the building.

The raised gate piers and boundary railings are similar to those previously approved to no. 17 Cunningham Place on 30<sup>th</sup> June 2015, and will give a more traditional arrangement of piers containing railings above the brick boundary wall which is found to a number of other properties to this terrace. The plans do not appear correct in that they show an apparent planter structure across the width of the railings flanking the front lightwell on the 'implemented' scheme, whereas that scheme showed the bins and recycling elsewhere in the front garden. There is also no clear indication of how large this structure would be (though it does not show on the elevation and could therefore be assumed to be no higher than the front boundary railings). Overall, and mindful of the structure approved inside the front boundary railings at no. 17 Cunningham Place, the bin store is not considered as a reason for refusal and full details could have been secured by condition had the application been considered acceptable.

The applicants erroneously suggest that since the list description does not refer to the rear the principle significance of the building is vested in its front elevation and contribution to Cunningham Place. The list description does not state this however, and the appellant's suggestion is therefore not correct. The listing covers the front, rear and interior (as with other listed buildings) and is not limited solely to the front of the building as suggested.

Given the above, the application proposals are considered contrary to policies DES 1, DES 5, DES 9 and DES 10 of our Unitary Development Plan (UDP), and policies S25 and S28 of our Westminster City Plan, and the applications are considered unacceptable in design grounds.

### 8.3 Residential Amenity

#### **Sunlight and Daylight**

The proposed extension sits between the closet wing of No. 15 and the boundary wall with No. 14, the upper section of the extension is set back from the boundary by 0.5 meters at a height of 3.1 meters, the lower section abuts the boundary wall at a height of 2.35 meters.

No objections have been received from the neighbour at No. 14, however another neighbour has objected on this ground.

The windows most affected by the extension are to the flank and rear elevation of No.14 Cunningham Place at lower ground floor level. However the relationship is such that it is not considered that the proposal would result in any significant impact. Furthermore loss of sunlight/daylight was not a reason for refusal of the previous application (16/01576/FULL) and the current proposal is for a smaller extension. It is therefore considered that withholding permission of this ground is not justified.

#### **Sense of Enclosure**

The proposed works raise the height of the boundary wall between No. 14 and 15 Cunningham Place to 4.3 meters from lower ground floor level at No. 14 to the top of the boundary wall when viewed from No. 14. It appears that a trellis was added to the top of the boundary wall to protect the residents of No. 14 from overlooking, however the trellis does not appear to be shown in the approved drawings for previous schemes, neither does the sloped rise in the boundary wall height that is shown on the proposed drawings for the current application.

Notwithstanding this the presence of a trellis was not considered to increase the sense of enclosure for residents of No.14. However, there is a significant difference between a trellis and a solid brick wall. Given the height of the proposed boundary wall and the solid nature of such a structure it is considered that its erection would result in an increased sense of enclosure for residents of the ground floor of No. 14 Cunningham Place, to the detriment of amenities they currently enjoy, contrary to policy ENV13 of the UDP and S29 of the City Plan.

#### **Privacy/light pollution**

Due to the location and design of the extension and relationship with neighbouring properties the proposal is not considered to cause overlooking to neighbouring properties.

Objection has been raised regarding the potential for light pollution from the extension. However given the location and relationship with neighbouring properties it is not considered that the proposal would result in any significant light pollution. .

### 8.4 Transportation/Parking

The proposal does not raise any transportation/parking issues.

## 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.

## 8.11 Environmental Impact Assessment

This development does not require an Environmental Impact Assessment

## 8.12 Other Issues

### **Inaccuracy of drawings**

Objection has been raised on the grounds that the submitted plans are inaccurate, specifically relating to the height of the boundary wall between No. 14 and 15 Cunningham Place. However, the objection references drawings 2.5 and 3.6 which do not appear to form part of this application.

Discrepancies have been identified in the drawings for the proposal to the front of the property, however as noted within the design section of the report, had the application been acceptable on all grounds this could have been overcome through securing additional details by condition.

### **Previous permission unimplemented**

The proposed extension is reliant upon a development that has not yet been fully implemented or substantially complete as approved under applications 15/01446/FULL and 15/01447/LBC of 1 October 2015 and therefore the extension that permission is being sought for cannot physically be built as a 'standalone' extension.

A further reason for refusal is recommended on prematurity, on the grounds that the works could not be completed in accordance with the submitted drawings. Without the

development at lower ground floor having been constructed, the currently proposed extension would appear to float independently without a supporting structure which would be unacceptable in principle.

## 9. BACKGROUND PAPERS

1. Application form.
2. Response from Councillor Mohindra.
3. Response from St John's Wood Society, dated 31 July 2017.
4. Response from occupier of 18 Cunningham Place, London, dated 11 July 2017.
5. Response from occupier of 16, Cunningham Place, St John's Wood, dated 24 July 2017.
6. Response from occupier of 9 St Johns Wood Road, London, dated 25 July 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: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

# 10. KEY DRAWINGS

**REAR ELEVATION 01 (PROPOSED) SCALE 1:100 @ A3**

**Schedule of Materials**

- Proposed minimal frame glazing / aluminium door
- Proposed single storey source clad extension to porch housing doors
- Proposed bronze clad mill panel separating extension from neighbouring property with glazed box rooflight above
- Proposed glazed projecting rooflight

----- Dashed blue line denotes extent of previously refused proposal  
 Denotes implemented scheme

**REAR ELEVATION 02 - FROM No.14 (PROPOSED) SCALE 1:100 @ A3**

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018 Project Whitten

15 Chesham Place, NW9 8TZ

PROJECT NO	14018	VERSION	GE-00
DATE	05.2017	ISSUED	PA3

**DRAFT DECISION LETTER**

**Address:** 15 Cunningham Place, London, NW8 8JT

**Proposal:** Erection of single storey rear infill extension at rear ground floor level and alterations to front landscaping including alterations to boundary wall. Linked with 17/05779/LBC

**Reference:** 17/05778/FULL

**Plan Nos:** IA.00, IA.01, IA.02, IA.03, GA.00 Rev PA3, GA.01 Rev PA3, GA.02 Rev PA3, GA.03 Rev PA3, GA.04 Rev PA3, IE.00, IE.01, GE.00 Rev PA3, GE.01 Rev 1, IS.00, GS.00 Rev PA3

**Case Officer:** Max Jones

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

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

Reason:

1. Because of its size, design and location, the extension to rear ground floor level would harm the character and appearance of this grade 2 listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17AD)

Reason:

1. The proposed extension is reliant upon a development that has not yet been implemented and/or is substantially complete as approved under applications 15/01446/FULL and 15/01447/LBC of 1 October 2015 and therefore the extension that permission is being sought for cannot physically be built as a 'standalone' extension.

Reason:

2. The infill extension would make the people living in units at the lower ground floor of neighbouring no. 14 feel too shut in. This is because of its height and how close it is to windows in that property. This would not meet S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not

overcome the reasons for refusal.

- 2 There are discrepancies in the drawings for the work to the front of the property, however as noted within the design section of the report, had the application been found acceptable these could have been overcome through securing additional details by condition.

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.

17/05779/LBC

**DRAFT DECISION LETTER**

**Address:** 15 Cunningham Place, London, NW8 8JT,

**Proposal:** Erection of single storey rear infill extension at rear ground floor level and alterations to front landscaping including alterations to boundary wall.

**Plan Nos:** IA.00, IA.01, IA.02, IA.03, GA.00 Rev PA3, GA.01 Rev PA3, GA.02 Rev PA3, GA.03 Rev PA3, GA.04 Rev PA3, IE.00, IE.01, GE.00 Rev PA3, GE.01 Rev 1, IS.00, GS.00 Rev PA3

**Case Officer:** Max Jones **Direct Tel. No.** 020 7641 1861

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

- Reason:
- 1 Because of its design, size and location, the extension to rear ground floor level would harm the character and appearance of this grade 2 listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and the advice set out in sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (X17EB)
- Reason:
- 2 The proposed extension is reliant upon a development that has not yet been implemented and/or is substantially complete as approved under applications 15/01446/FULL and 15/01447/LBC of 1 October 2015 and therefore the extension that consent is being sought for can not physically be built as a 'stand alone' extension.