

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	5-7 Carnaby Street, London, W1F 9PB,		
Proposal	Alterations to second floor rear flat roof area including new side glazed doors, rear glazed sliding folding doors, planting, decking, seating and timber privacy screen to enable use as a terrace.		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury (Carnaby) Ltd		
Registered Number	18/05036/FULL	Date amended/ completed	15 June 2018
Date Application Received	15 June 2018		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The site is located on the east side of Carnaby Street between Broadwick Street and Beak Street within the Soho Conservation Area and Core Central Activities Zone (CAZ). The property comprises basement, ground and four upper floors. The basement, ground and first floor are currently used for retail (Class A1) purposes with the second, third and fourth operating as office (Class B1) use. This application relates solely to the second floor rear flat roof. A condition on a permission granted in 2001 restricts the use of this area for means of escape purposes only. This application seeks the use of this area as a terrace together with external alterations including new doors, glazing, timber privacy screen and planting.

The alterations are acceptable in design terms and the key issue relates to the impact of the use of this flat roof on the amenity of nearby residential occupiers.

The closest residential accommodation are the three flats at 37 Beak Street and the 24 flats within Marshall House at 49 Marshall Street. The terrace is set back behind projecting wings of the building and there would be no overlooking of the flats within 37 Beak Street. Two letters of objection from a second floor flat within Marshall House have been received on the grounds that the terrace would result in a loss of privacy and that the slatted timber screen would not be sufficient to

prevent overlooking.

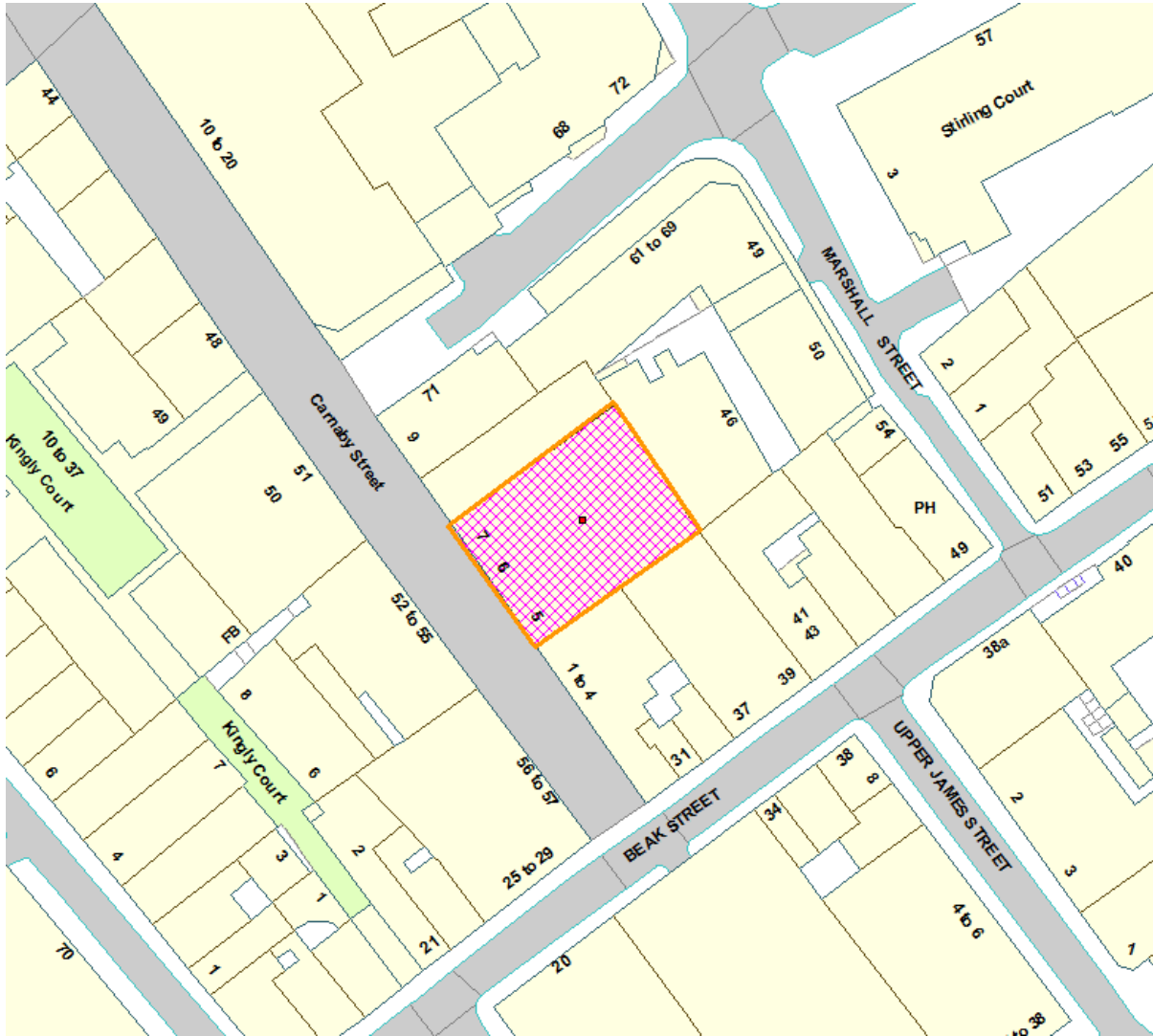
Whilst there would be some oblique overlooking to the windows on the upper floor of Marshall House, the terrace is only some 1m in depth and 8m in width and there is an intervening office building (46 Marshall Street) which also restricts views towards the rear of Marshall House. The 2001 permission show a door that opens onto this flat roof, and it appears that the flat roof has been used as a terrace in the recent past. Had the applicant submitted a certificate to establish the lawful use, it is possible that the applicant would have been able to demonstrate that this flat roof has been used as a terrace since the 2001 consent.

The proposal includes a 2m high timber slatted screen which improves the current situation and whilst the comments of the objectors are noted, given the oblique relationship with Marshall House (which is some 11m distant from the terrace) it is not considered that the application could be refused on the grounds of overlooking.

There is also a terrace at first floor and balconies at second and fourth floors in the adjoining building at 8 Carnaby Street which are directly adjacent to Marshall House and are unrestricted in terms of their use.

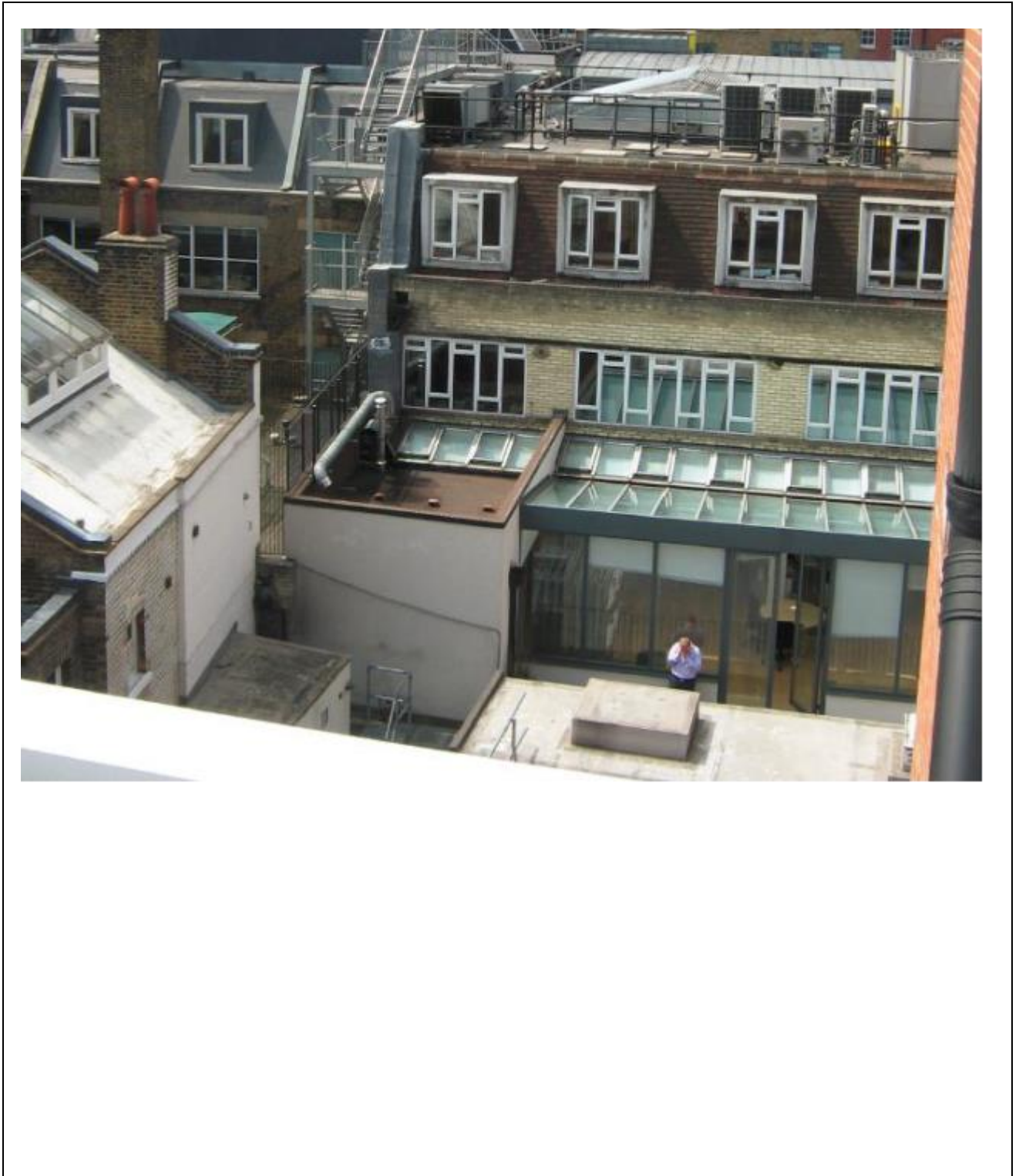
With a condition limiting the use of the terrace from 08:30 to 20:30 Monday to Fridays only, it is considered that the use of this terrace would not have a harmful impact on residential amenity.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND ANY OTHER REPRESENTATIONS

No. consulted: 75

No. responses: 2 letters of objection on the grounds of loss of privacy and that the timber slatted cladding would not provide sufficient screening.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

Planning permission was granted in February 2001 for the 'erection of second floor rear extension with 2 No. plant enclosures above, alternative use of the first and second floors for either Class B1 (offices) or Class A1 (Retail) purposes' (RN: 00/04557/FULL).

History of adjacent site (8 Carnaby Street)

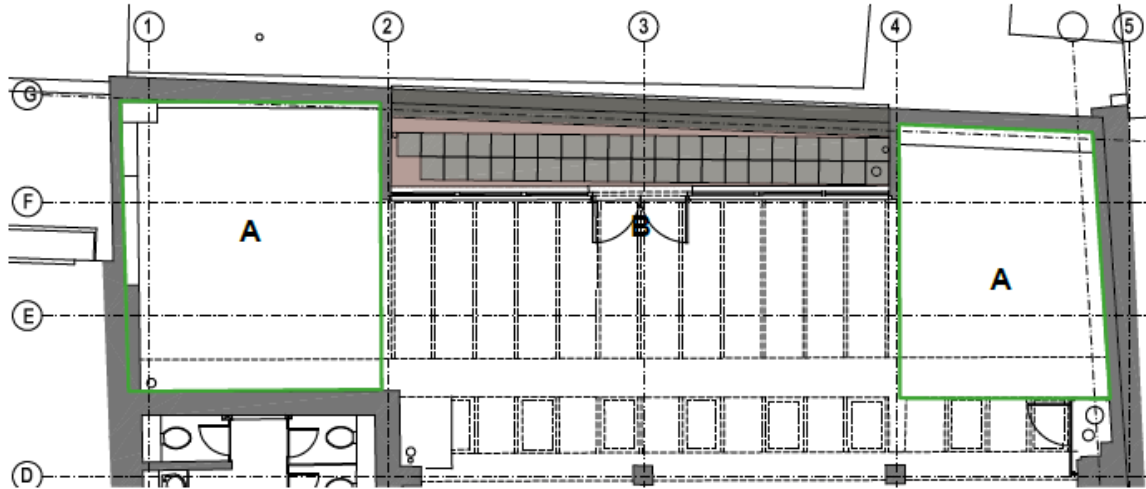
Planning permission was granted in October 2004 for 'External alterations to 8 and 9 Carnaby Street including new plant at roof level, mansard extensions and new shopfronts, new extension for lift/stair core in Broadwick Street to the rear of 9 Carnaby Street, use of first floors of 8 and 9 for office (Class B1) and/or retail (Class A1) purposes. Modifications to permission dated 2 September 2003, including new entrance canopy, and fully glazed windows at first floor front, terrace at first floor level and new balconies at second and fourth floor level and conservatory extension at third floor to the rear of 8 Carnaby Street.'

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

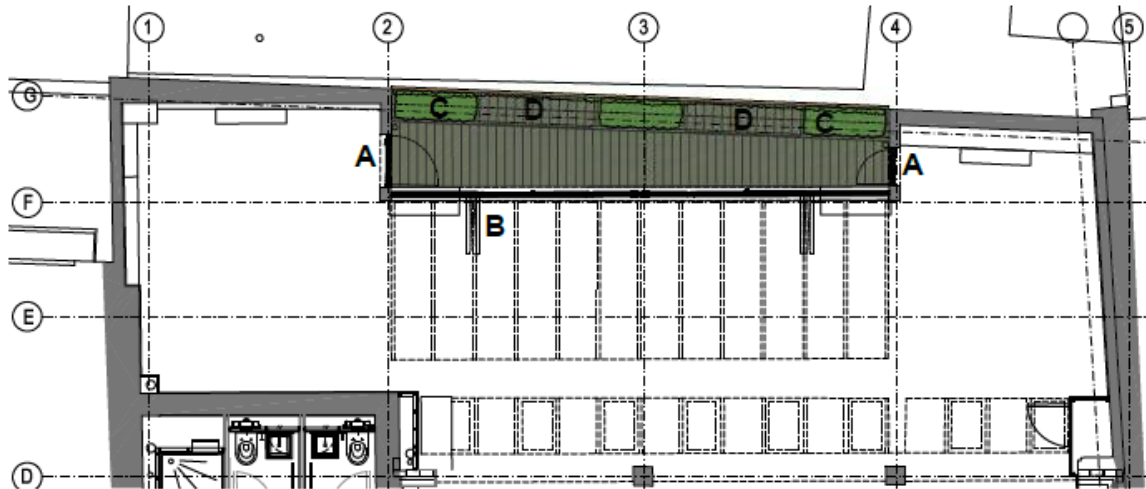
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

7. KEY DRAWINGS

Existing and proposed floorplans

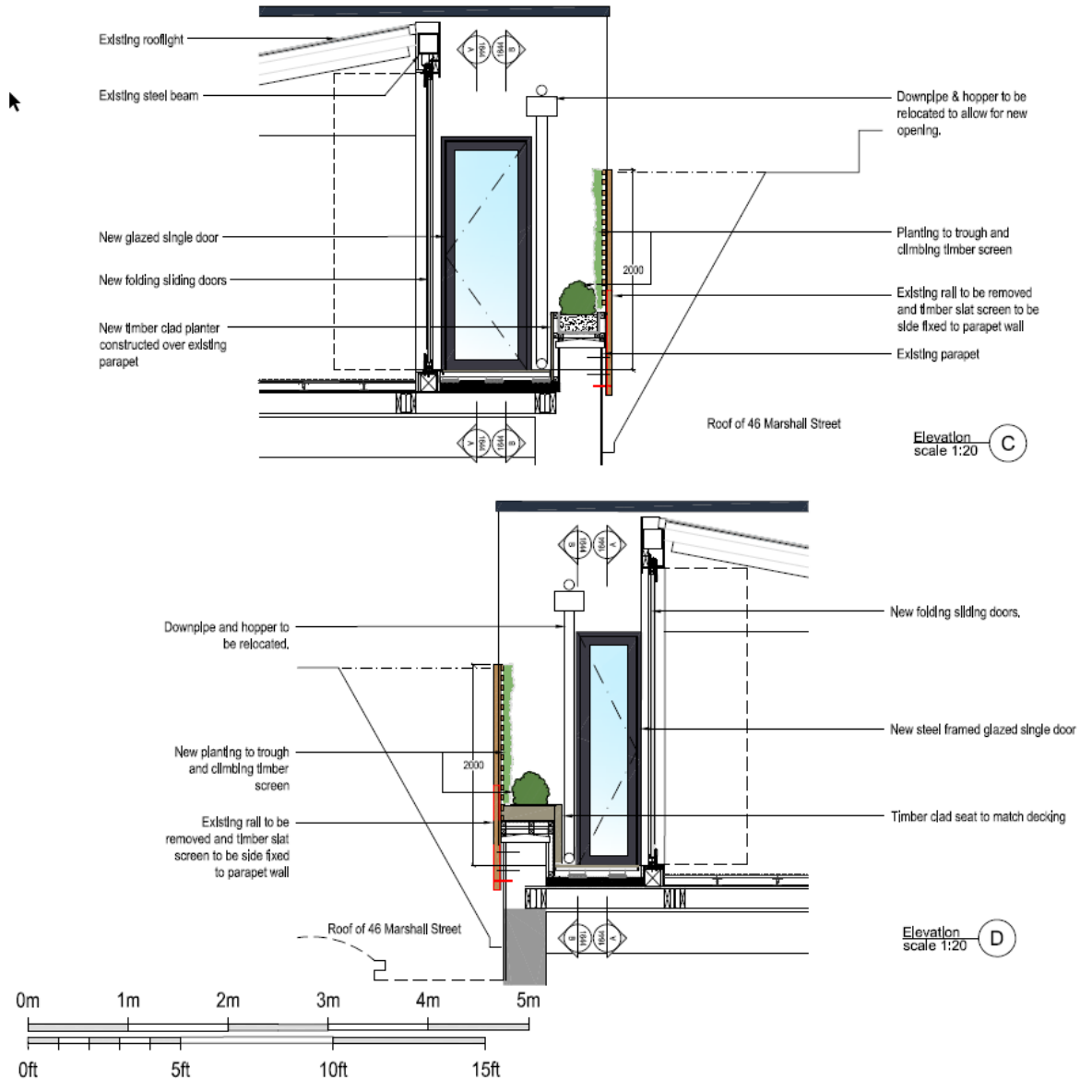


Plan of Existing Terrace to Rear of 2nd Floor

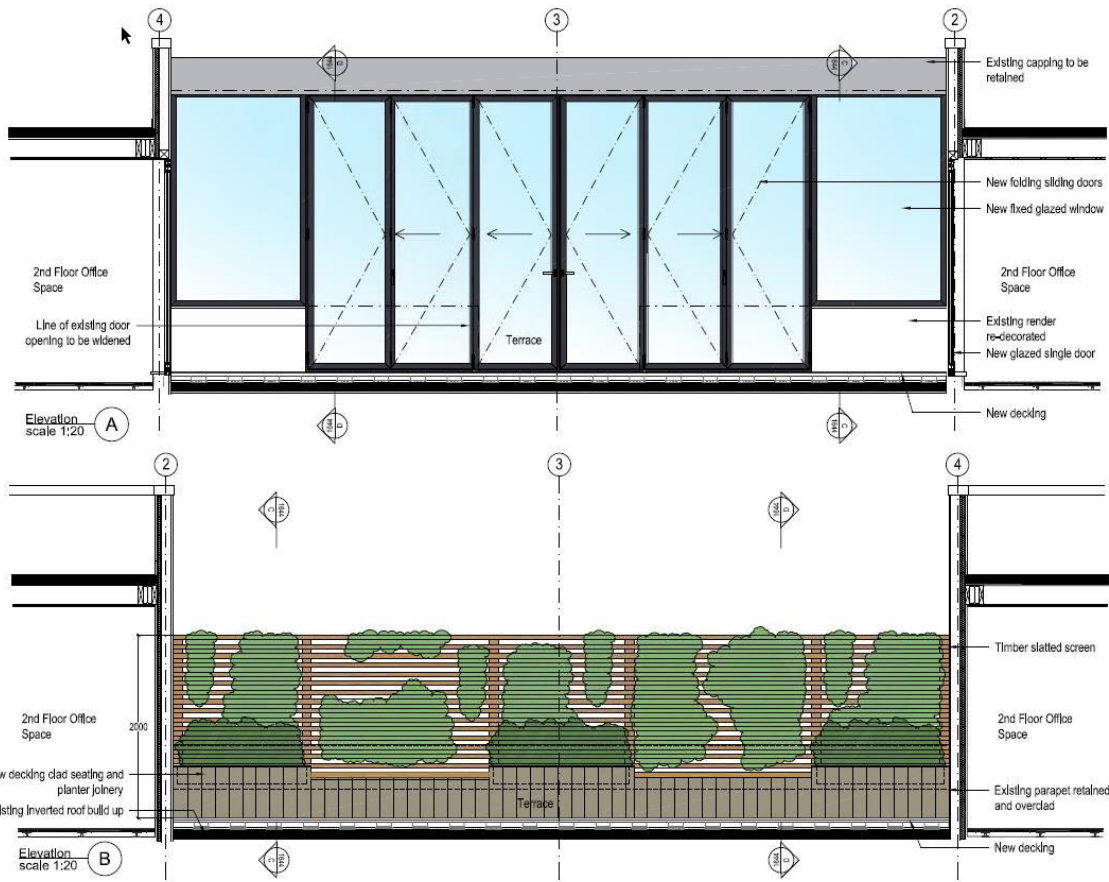


Plan of Proposed Terrace to Rear of 2nd Floor

Proposed sections



Proposed rear elevation



DRAFT DECISION LETTER

Address: 5-7 Carnaby Street, London, W1F 9PB,

Proposal: Alterations to second floor rear flat roof area including new side glazed doors, rear glazed sliding folding doors, planting, decking, seating and timber privacy screen to enable use as a terrace.

Reference: 18/05036/FULL

Plan Nos: 1644-8300 Rev A, 8301, 8302, 1103 Rev A

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

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:
 - *between 08.00 and 18.00 Monday to Friday;
 - *between 08.00 and 13.00 on Saturday; and
 - *not at all on Sundays, bank holidays and public holidays.

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

*between 08.00 and 18.00 Monday to Friday; and

*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 this part of the Soho 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 The terrace shall not be used for any purpose except between the following hours: 08.30 - 20.30 (Monday to Fridays). You can not use the terrace outside of these hours other than in the case of an emergency.

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)

- 5 Before you use the terrace area for sitting out or for any other purpose, you must install the slatted timber screen, planters and artificial climbing plants or planted climbing plants, as shown on the approved drawings. The timber screen, planters and climbing plants must thereafter be maintained for as long as the terrace is used.

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.