

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Landward Court, Harrowby Street, London, W1H 5HB		
Proposal	Erection of a single storey roof extension at 13 th floor level to provide two additional residential dwellings (Class C3) with external terraces.		
Agent	Stephen Davy Peter Smith Architects		
On behalf of	Heartpride Limited		
Registered Number	18/04133/FULL	Date amended/ completed	31 May 2018
Date Application Received	18 May 2018		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

Refuse planning permission – design.

2. SUMMARY

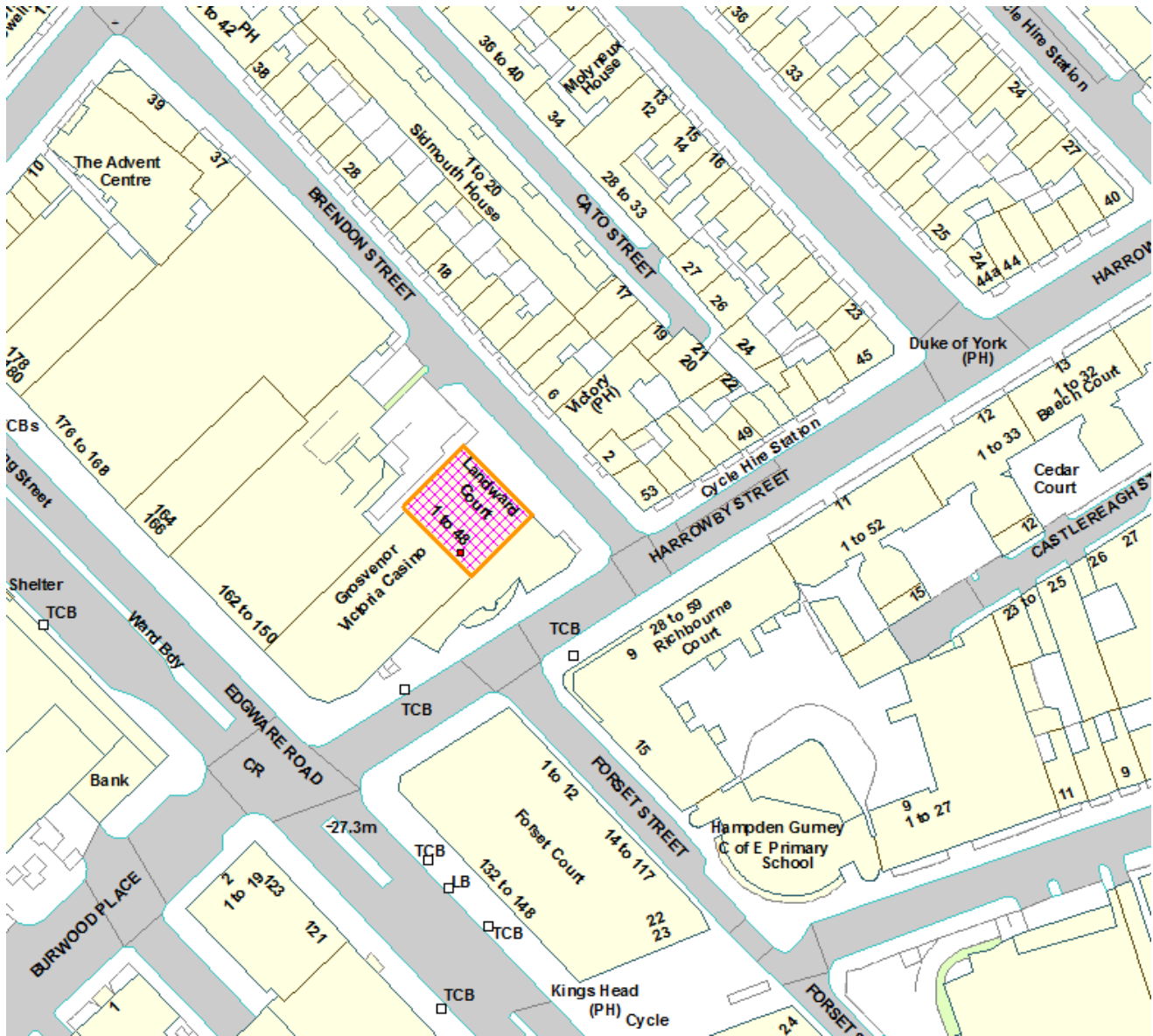
Landward Court is an unlisted 12-storey plus basement and ground floor residential building comprising 48 flats, located outside of any conservation area. The building is prominently positioned on the north side of Harrowby Street with a frontage to Brendon Street to the east. Planning permission is sought for the erection of a single storey extension on the roof of the building to provide an additional two residential units with terraces.

The key issues in this case are:

* The impact of the proposed works on the appearance of the building and the character and appearance of the neighbouring Molyneux Street Conservation Area and the setting of nearby listed buildings.

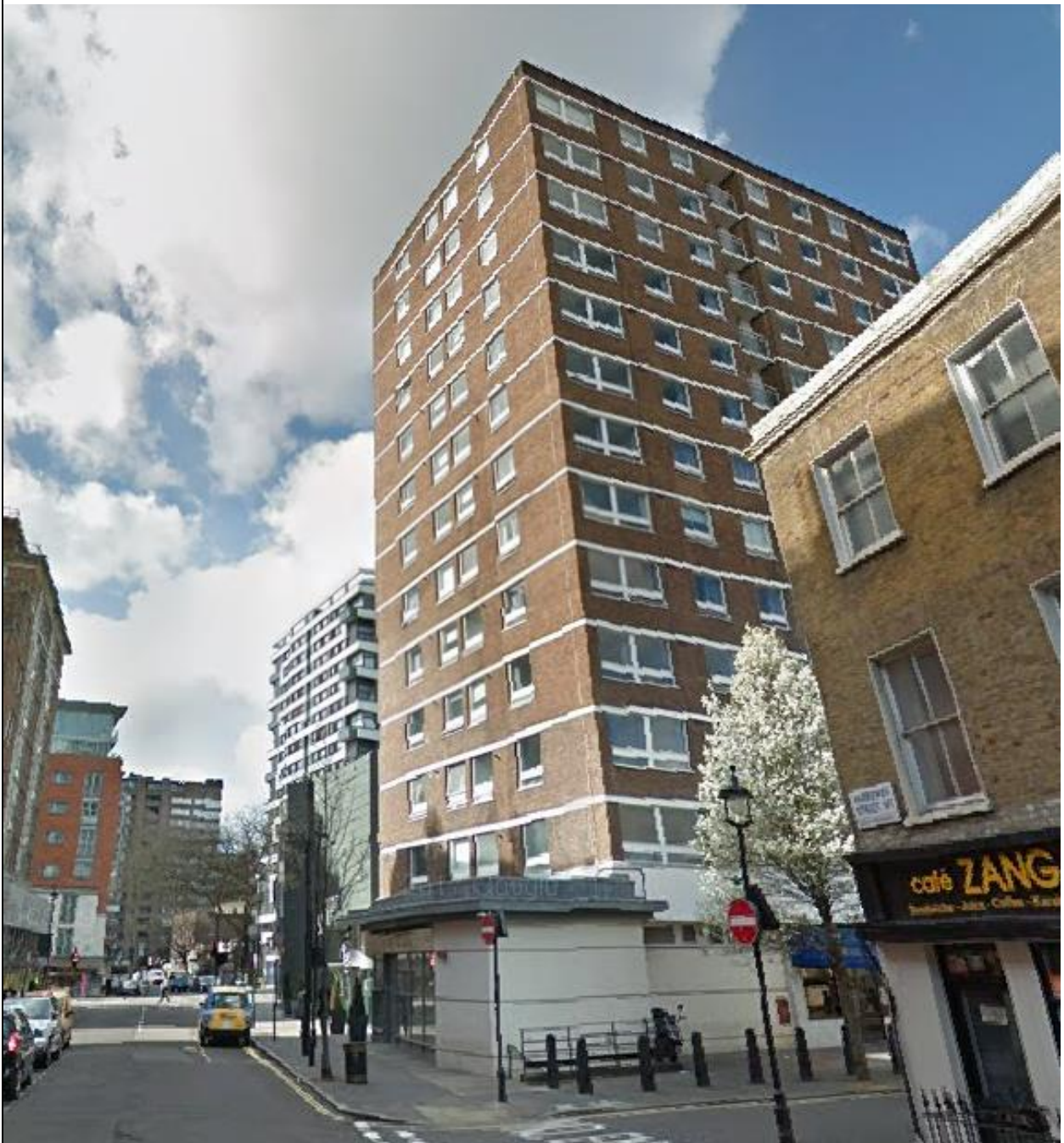
The proposal is considered unacceptable because of its design, increased massing and visibility of this high rise building. It is considered that the proposal would harm the appearance of the building itself, detrimentally affect the character and appearance of the Molyneux Street Conservation Area and the setting of neighbouring listed buildings.

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 database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



View looking west along Harrowby Street:



View looking south along Brendon Street:



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Objection on the following grounds:

Proposed extension will be visible in long views of the site from within the Molyneux Street Conservation Area.

There may be additional design implications resulting from the installation of the balustrade and new parapet.

HARROWBY AND DISTRICT RESIDENTS' ASSOCIATION

Proposed extension to this tall building will detrimentally impact upon the character of the Molyneux Street Conservation Area.

CLEANSING

No objection subject to conditions.

HIGHWAYS

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 529; Total No. of replies: 9

No. of objections: 9; No. in support: 0

Objections on the following grounds:

Design

Increased height of building will be detrimental to the character and appearance of the neighbouring conservation area.

Detrimental impact upon the design of the property.

Amenity

Loss of daylight and sunlight to neighbouring properties.

Increased use of the existing two lifts (including the transport of construction materials)

Detrimental impact from construction in terms of noise, dust and vehicle movements.

Other

Increased traffic in the area.

Increased volume of rubbish left in the streets.

Potential use of the apartments as short-term lets.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises basement, ground and twelve upper floors, with lift motor room at roof level and parking in the basement. The building, dating from the 1960s, is in use as 48 flats with access from Brendon Street.

The building, which dominates the immediate vicinity, is located on the corner of Harrowby Street and Brendon Street and is adjacent to (but outside) the Molyneux Street Conservation Area. The buildings on the east side of Brendon Street are identified as unlisted buildings of merit in the Molyneux Street Conservation Area Audit. There are also Grade II listed buildings located within the immediate vicinity, namely 45- 53 Harrowby Street and the majority of buildings on Molyneux Street.

6.2 Recent Relevant History

An appeal was submitted with regard non-determination of a previous planning application (17/06912/FULL) for the 'erection of a two storey roof extension to provide four additional residential dwellings (Class C3) with external terraces provided at 13th floor level.' The appeal was dismissed on the 13th March 2018 (a copy of the decision is included in the background papers).

The Council resolved that had an appeal not been submitted the proposal would have been refused on the following grounds:

'Because of its height, bulk and design the proposed roof extension would fail to maintain or improve (preserve or enhance) the setting of the neighbouring Molyneux Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (F) of our Unitary Development Plan that we adopted in January 2007.'

'Because of its height, bulk and design the proposed roof extension would harm the setting of the neighbouring grade II listed buildings at 46- 53 Harrowby Street. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 10 (D) of our Unitary Development Plan that we adopted in January 2007. '

'Because of its height, bulk and design the proposed roof extension would harm the appearance of this building and this part of the City. This would not meet S28 of Westminster's City Plan (November 2016) and DES 1 and DES 3, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007.'

'Your development would not provide an appropriate mix of housing units contrary to the requirements of Policies S15 of Westminster's City Plan adopted November 2016 and H5 of the Unitary Development Plan adopted January 2007 which seek to provide a range of residential units including family sized housing. We do not consider that the circumstances of your case justify an exception to our policy.'

Planning permission (RN: 03/08068/FULL) was refused on the 2nd December 2003 for the 'erection of 2-storey roof extension to provide 4 residential units each with 3 bedrooms'. An appeal against the refusal was dismissed.

The two reasons for refusal were:

'Because of its height and bulk, the proposed extension would harm the appearance of this building, the setting of the adjacent Molyneux Street Conservation Area and this part of the City generally. This would not meet policy DES 3, DES 4, DES 5, DES 6 and DES

7 of our Unitary Development Plan, DES 1, DES 3, DES 5, DES 6, DES 9 and DES 15 of our Replacement Unitary Development Plan (Second Deposit version) and DES 1, DES 3, DES 5, DES 6, DES 9 and DES 15 of our Pre-Inquiry Unitary Development Plan.' 'Because of its height, bulk and design, the proposed extension would harm the setting of the neighbouring grade 2 listed buildings in Harrowby Street, Shouldham Street and Molyneux Street. This would not meet DES 8 of our Unitary Development Plan, DES 10(E) of our Replacement Unitary Development Plan (Second Deposit version), DES 10(E) of our Pre-Inquiry Unitary Development Plan and paragraphs 2.16, 2.17 and 3.5 of Planning Policy Guidance Note 15.'

Planning permission (RN: 03/08069/FULL) was also refused on the 2nd December 2003 for the 'erection of 2-storey roof extension with associated terraces to provide 4 residential units each with 3 bedrooms'. (This proposal had a different detailed design to the refused planning permission above.) An appeal against this refusal was also dismissed.

The two reasons for refusal were:

'Because of its height, bulk and design, the proposed extension would harm the appearance of this building, the setting of the adjacent Molyneux Street Conservation Area and this part of the City generally. This would not meet policy DES 3, DES 4, DES 5, DES 6 and DES 7 of our Unitary Development Plan, DES 1, DES 3, DES 5, DES 6, DES 9 and DES 15 of our Replacement Unitary Development Plan (Second Deposit version) and DES 1, DES 3, DES 5, DES 6, DES 9 and DES 15 of our Pre-Inquiry Unitary Development Plan.'

'Because of its height, bulk and design, the proposed extension would harm the setting of the neighbouring grade 2 listed buildings in Harrowby Street, Shouldham Street and Molyneux Street. This would not meet DES 8 of our Unitary Development Plan, DES 10(E) of our Replacement Unitary Development Plan (Second Deposit version), DES 10(E) of our Pre-Inquiry Unitary Development Plan and paragraphs 2.16, 2.17 and 3.5 of Planning Policy Guidance Note 15.'

7. THE PROPOSAL

Planning permission is sought for the erection of a single storey extension on the roof of the building to provide an additional two residential units with terraces.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of new residential floorspace is welcomed in principle and would comply with Policies H3 of the UDP and S14 of the City Plan, which seek to maximise the amount of land or buildings in residential use. The proposal results in the creation of two new units, one having one bedroom and the other three bedrooms.

The two new residential units equate to 158sqm of internal accommodation with the external terraces providing 114sqm. The one bedroom flat would measure 56.3m² whilst the three bedroom flat would measure 97.4m²:this accords with the minimum sizes set out in the London Plan without being excessively large. The proposed units will also

have windows to multiple aspects which will ensure a good level of internal light and the ability to naturally ventilate the units.

Policy H5 of the UDP requires that in new developments, 33% of the residential units should be family sized (three bedrooms or more), whilst Policy S15 of the City Plan also requires that 'residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs, and creating mixed communities'. The previously refused application proposed four units, none of which would have been family sized and was considered contrary to the above policy requirements. It was considered that had an appeal not been lodged the proposal would have been recommended for refusal on this basis and this position was upheld in the appeal decision. The current application proposes 50% off the new units to be family sized which complies with the above policy requirement and the application is therefore considered acceptable in land use terms.

As the increase in residential floor space does not exceed 1000m² or 10 additional residential units, there is no policy requirement to provide affordable housing provision, as set out in Policy S16 of the City Plan.

8.2 Townscape and Design

The tower is located immediately adjacent to the boundary of the Molyneux Street Conservation Area which runs down the centre of Brendon Street, encompassing the buildings on its eastern side, all of which are identified as unlisted buildings of merit in the Molyneux Street Conservation Area Audit (2002). There are also Grade II listed buildings located close to the proposal site, namely at 46- 53 Harrowby Street and the majority of buildings on Molyneux Street and Shouldham Street.

Appeal decision

In 2004 the Planning Inspectorate dismissed two appeals for two storey upward extensions to Landward Court. The Inspector supported the City Council's view that Landward Court harms the setting of the Molyneux Street Conservation Area and numerous nearby listed buildings and that the addition of a further two storeys would serve to exacerbate this harm. More recently, the Planning Inspectorate dismissed a third appeal relating to a two storey copper clad roof extension. In paragraph 6 of his decision dated 13 March 2018, the Inspector stated:

'...when viewed along Harrowby Street, the building abruptly rises significantly above the height of the terraced properties within the CA (conservation area), disrupting the general uniformity of the low level buildings. Furthermore, the modern design of the building visually jars with the surrounding historical architecture, exacerbating the existing harm the building has to the character and appearance of the CA and the setting of 46-53 Harrowby Street.'

He goes on to state in paragraph 7:

'The increase in the height of the building would only exacerbate the dominance it has over the nearby low level historical properties within the CA, particularly 46-53 Harrowby Street, diminishing their significance. The modern design of the extension would be in marked contrast to the existing building and neighbouring historical buildings and the

use of copper cladding would appear incongruous when read against the brick exterior of the existing building and the prevailing brick and stucco exterior of properties within the CA, including 46-53 Harrowby Street. This incongruity would be compounded by the height of the extension, which would draw the eye away from street level, where the significance of the CA and the listed building are best appreciated.'

This most recent appeal was lodged on the basis of non- determination. The City Council determined that had an appeal not been lodged, the application would have been refused due to the impact of the height, bulk and design of the proposed roof extension on the setting of neighbouring Molyneux Street Conservation Area and the neighbouring grade II listed buildings at 46- 53 Harrowby Street. The Planning Inspector supported these reasons for refusal in his appeal decision.

Current proposal

The current application for a roof extension reduces the proposal to a single storey. The additional storey is to be constructed using a textured white brick with stone detailing, aluminium framed windows and a glazed balustrade. The extension is of an angled rectilinear form with a flat roof, set back from the edge of the building on all sides. The existing lift overrun is to be retained, which will project above the height of the proposed additional storey.

The Molyneux Street Conservation Area is characterised by narrow fronted, three storey uniform terraces which date from the early nineteenth century. In contrast, Landward Court is a high rise post- war tower block, which serves to dominate a number of important viewpoints within the adjacent conservation area, particularly the long views from the northern approach on Brendon Street and the eastern approach on Harrowby Street. The Molyneux Street Conservation Area Audit, adopted in 2002, identifies the site and its immediate surroundings as a negative feature, stating that 'the development on the western side of Brendon Street facing the conservation area is poor with the service entrances and dead space of this modern development contributing little to the street scene and showing no respect to the traditional form of the terraced development opposite.' Likewise, the tower also serves to dominate the setting of the low rise Grade II listed buildings, particularly on Harrowby Street when viewed from the east. The audit management proposals state that proposals for development adjacent to the conservation area should have regard to its setting, and particularly the impact on views out of the conservation area.

Landward Court currently consists of thirteen storeys plus a lift overrun. The lift overrun is set well back from the principal elevations and is not visible from many vantage points within the conservation area, but is visible in longer views on Harrowby Street and Norfolk Crescent/ Burwood Place. The proposed development retains this overrun, with the existing roof level plant rooms demolished. Whilst the overall height of the proposed extension will not exceed that of the existing the lift overrun, the impact of extending frontwards on all sides will serve to increase the visibility and massing of the uppermost storey. The proposed extension will be visible from the conservation area in street level positions where the existing plant enclosures and lift overrun are currently not. Thus, the additional storey will be considerably more visible than the existing overrun and the impact on long views will be greater. The proposed white brick palette, which will contrast the tones of the existing materials, will exacerbate this visual impact from street

level. The angled form of the proposed roof storey would also be discordant with the simple, rectilinear form of the existing tower.

The proposed development will increase the massing and visibility of this high rise building and therefore its impact on the adjacent conservation area and listed buildings. Given that the existing building is considered a negative and unattractive feature, harmful to the setting of the adjacent conservation area and listed buildings, the proposed increase in height and bulk is considered unacceptable in principle in design terms.

There has been strong local objection to the scheme. Many of the objections received cite the harmful visual impact of the additional storey. An objection has also been received from the local amenity society who note that the proposal will affect the Molyneux Street Conservation Area. The local resident's association objects on the grounds of the impact of an additional storey on the character of the conservation area. These objections are considered valid for the reasons set out above and refusal is recommended.

The proposed roof extension is therefore contrary to DES 6, DES 9 and DES 10 of the Council's Unitary Development Plan and the Council's supplementary planning guidance and will fail to preserve the setting of the adjacent Molyneux Street Conservation Area and the adjacent listed buildings, a view which has previously been supported by the Inspectorate and local objections. The public benefit of two additional residential units is not considered sufficient to outweigh that harm. The application is therefore recommended for refusal on design grounds.

It is also noted the recently revised National Planning Policy Framework (NPPF July 2018) states in paragraph 118.e) that

[Planning policies and decisions should] support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

However, in this case the proposal would clearly be inconsistent with the prevailing height and form of neighbouring properties and the overall street scene and therefore fails to comply with the guidance set out in the NPPF.

8.3 Residential Amenity

A number of objections have been received to the application with regard the potential loss of daylight and sunlight to neighbouring sensitive properties. A Daylight and Sunlight Assessment has not been provided in support of the application and it is not considered one is necessary. The existing building is significantly higher than the surrounding buildings and given the distance and height of the extension it is not considered the proposal would have a material impact upon the levels of daylight / sunlight received by neighbouring properties. It is also noted that the refusal for the two storey extension refused earlier this year and the two refusals in 2003 were not refused

on amenity grounds. The objections on these grounds are not therefore considered sustainable.

Had the application been considered acceptable standard conditions would have been applied with regard the construction of the properties to ensure adequate noise protection measures to protect occupiers.

The proposed new residential units would be served by the existing lift in the building. Objections have been received to the application in relation to the use of the lifts by the additional flats and the impact this will have on existing occupiers in the building. This is considered a private matter between the freeholder and the existing leaseholders and it is not a material planning consideration. The recent application for four residential units was also considered acceptable with this regard.

8.4 Transportation / Parking

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased beyond designated 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for 2 spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy during the day is 77%, overnight parking occupancy was measured as being 63% and residents can park for free on metered bays and on single yellow lines. Whilst the provision of residential units without off-street car parking is likely to increase these stress levels on the basis of car ownership levels and spare capacity in on-street parking, any additional on-street parking requirements generated by the proposal can be absorbed by the highway network without increasing the stress levels beyond 80%. The development is therefore considered compliant with the requirements of Policy TRANS23. Whilst objections have been received to the application with regard the potential for the development to result in increased parking pressures on on-street parking availability, for the reasons detailed above the application is considered acceptable with regard its impact on parking pressures.

'Further Alterations to the London Plan' requires that two cycle parking spaces are provided for every new residential unit with over one bedroom, which means cycle parking spaces should be provided for three cycles. The Highways Planning Manager has requested a condition be applied to any permission requiring the submission of drawings to show suitable cycle parking in the demise of the building but the applicant advises there is currently no communal cycle store and no capacity for providing any. Taking this into account, it is not considered cycle storage could be conditioned within the demise of the individual residential flats (had the application been considered acceptable).

8.5 Economic Considerations

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

8.6 Access

Access to the building will be through the existing main entrance (which appears to provide level access) and using the existing lift to the 12th floor. The applicant advises that a new platform lift will be installed in the hallway of the 12th floor to provide disabled access to the new 13th floor. The existing lifts cannot be extended as this would require the height of the building to be raised to accommodate the overrun, increasing the massing of the proposals.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Cleansing Manager has confirmed that an appropriate condition could be attached to any consent requiring the submission of amended drawings to show appropriate storage facilities for waste and recycling. Had the application been recommended for approval a condition would have been attached as requested. Objections were received concerned the proposal could have resulted in increased rubbish being left in the streets but with this condition in place appropriate waste and recycling storage would have been provided, the application is therefore considered acceptable in this regard.

Other

Concerns have been raised with regard to the potential use of the new units as short term letting accommodation, however, planning permission has been sought for the use as permanent residential accommodation and any use as short-term letting accommodation would require the benefit of planning permission.

An objection has been received commenting on the potential 'overdevelopment' of the site and the corresponding impact upon local services (health, education). Had the proposal been considered acceptable it would have been liable to make the required Community Infrastructure Levy to help deliver infrastructure to support the development. It is not considered that there would be any material impact on local services from just two flats.

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 estimated CIL payment relating to the creation of an additional residential unit is £11,407 for the mayoral CIL and £75,093 for the Westminster CIL.

8.11 Other Issues

Construction impact

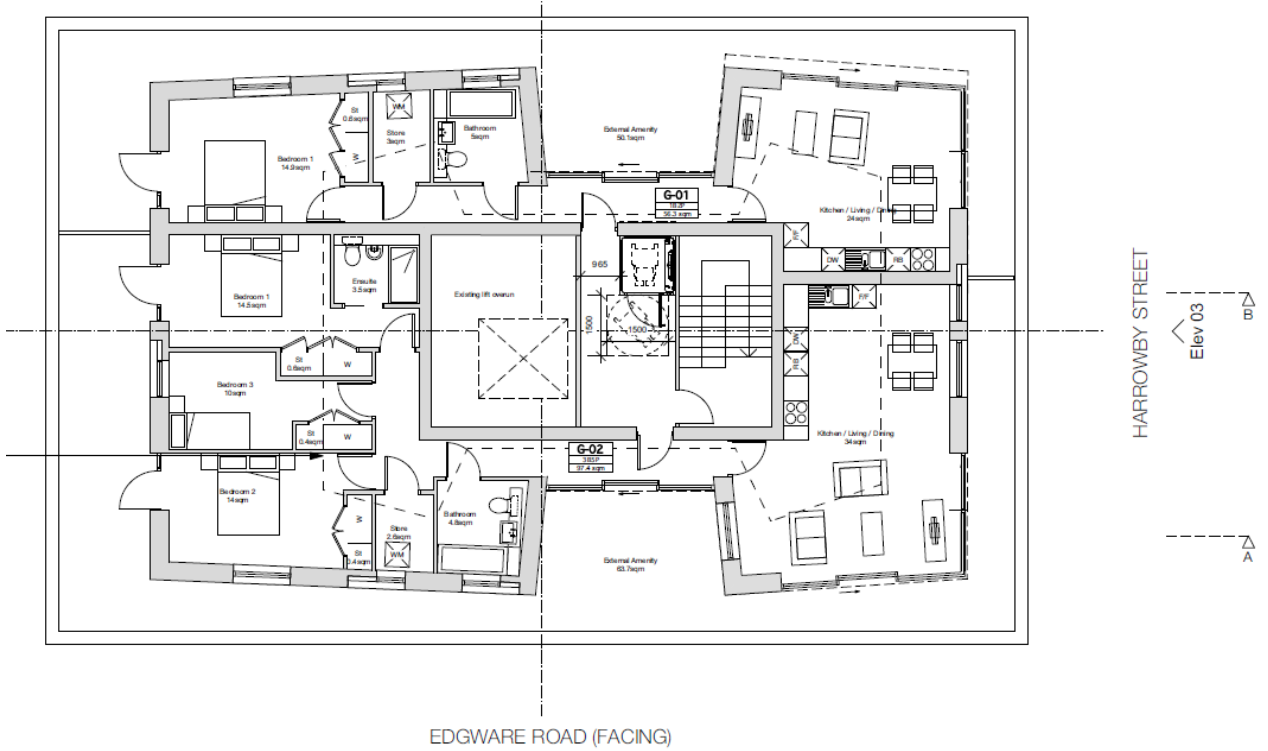
Objections have been received to the application with regard to the potential impact of the construction works on the amenity of existing residents with regard to noise, dust and transportation movements. A condition would have been attached to any permission to ensure compliance with the City Council Code of Construction Practice and a standard condition would also have controlled the hours of building works. With these conditions in place it is considered the impact of the construction would have been ameliorated.

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

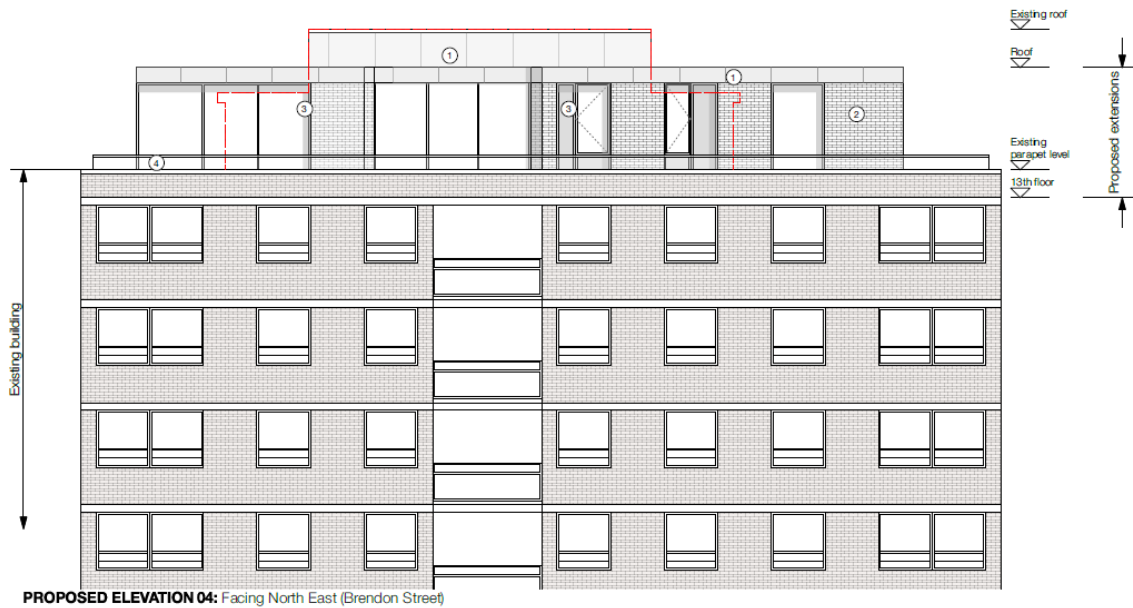
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

9. KEY DRAWINGS

Proposed 13th Floor:



Proposed Elevation to Brendon Street:



DRAFT DECISION LETTER

Address: Landward Court , Harrowby Street, London, W1H 5HB

Proposal: Erection of a single storey roof extension to provide two additional residential dwellings (Class C3) with external terraces provided at 13th floor level.

Reference: 18/04133/FULL

Plan Nos: Drawings: LWR-P100-S2-P7, LWR-P110-S2-P1, LWR-P200-S2-P4, LWR-P201-S2-P4, LWR-P202-S2-P4, LWR-P203-S2-P3, LWR-P204-S2-P3, LWR-P205-S2-P3, LWR-P206-S2-P3.

Case Officer: Matthew Giles **Direct Tel. No.** 020 7641 5942

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Because of its height, bulk and design the proposed roof extension would fail to maintain or improve (preserve or enhance) the setting of the neighbouring Molyneux Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (F) of our Unitary Development Plan that we adopted in January 2007. (X21AD)
- Reason:
- 2 Because of its height, bulk and design the proposed roof extension would harm the setting of the neighbouring Grade II listed buildings at 46- 53 Harrowby Street. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 10 (D) of our Unitary Development Plan that we adopted in January 2007. (X20AC)
- Reason:
- 3 Because of its height, bulk and design the proposed roof extension would harm the appearance of this building and this part of the City. This would not meet S28 of Westminster's City Plan (November 2016) and DES 1 and DES 3, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (X16BC)

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.

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.