

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	89 York Street, London, W1H 4QD		
Proposal	Installation of two Juliet balconies and French windows at rear ground floor level and the installation of a fanlight above the external entrance door.		
Agent	Mrs Liz Milan		
On behalf of	Mrs Liz Milan		
Registered Number	18/06754/FULL & 18/06755/LBC	Date amended/ completed	17 August 2018
Date Application Received	10 August 2018		
Historic Building Grade	II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

1. Grant conditional permission;
2. Grant conditional listed building consent;
3. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.

2. SUMMARY

The application relates to a Grade II listed building in the Portman Estate conservation area. Planning permission and listed building consent are sought for the installation of two Juliet balconies and French windows to a rear living room to the lower ground/ground floor duplex apartment and for the installation of a fanlight above the main external entrance door. Approvals for identical works expired on 8 June 2018. The works to the rear are also similar to those approved on neighbouring properties within the same terrace.

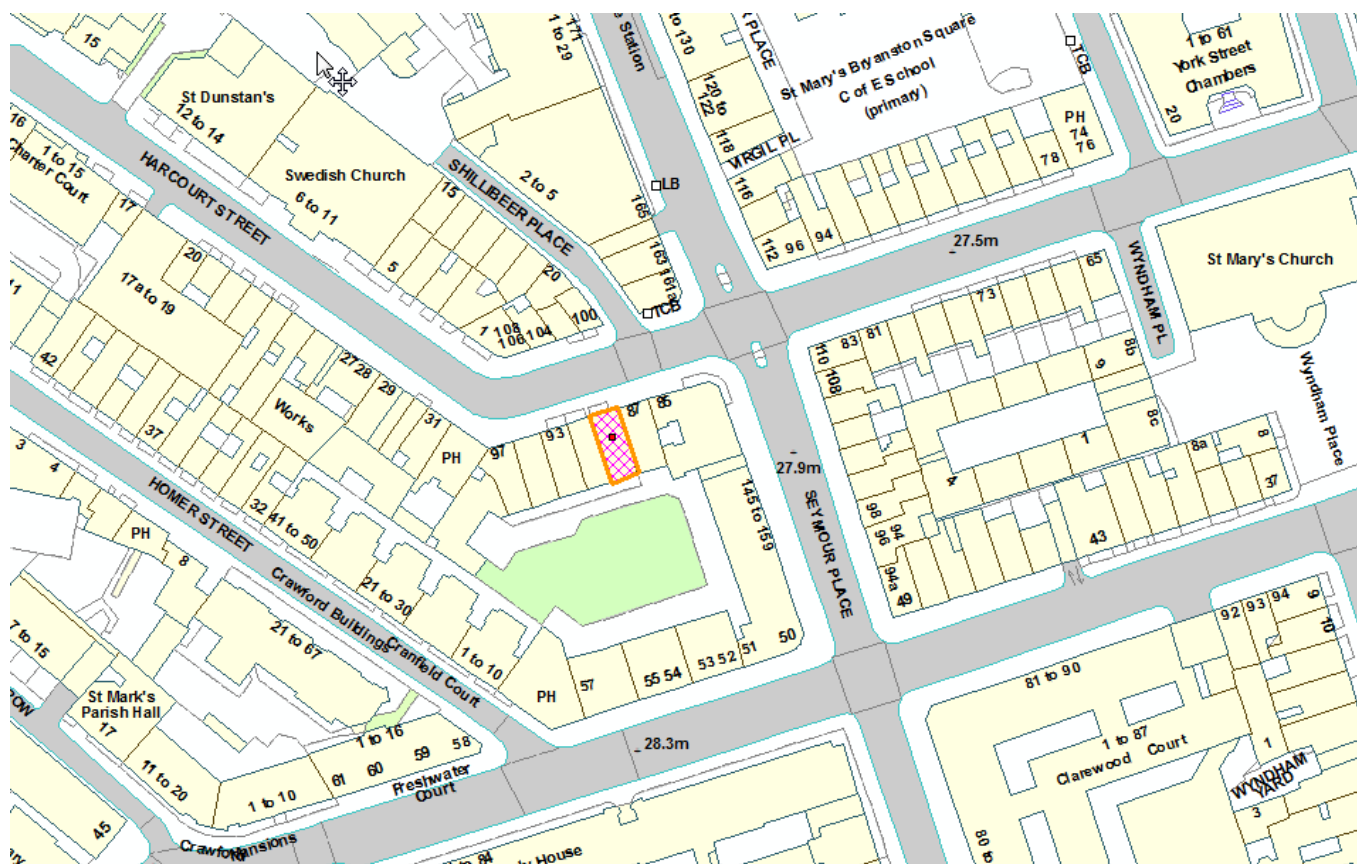
The key considerations are:

- the impact of the works upon the special interest of the listed building and upon the character and appearance of the Portman Estate conservation Area
- the impact of the development upon the amenity of neighbouring residential properties and
- the impact on an adjacent tree

Objections have been received from neighbouring residents on the grounds that the proposals would lead to a loss of privacy and increased noise disturbance to neighbouring flats and their communal garden and would affect a magnolia tree in that garden. Objectors are also concerned about unacceptable construction noise.

As previously, the proposals are considered acceptable on design and amenity grounds and it is not considered that the neighbouring tree would be adversely affected. The scheme accords with relevant UDP and City Plan policies and the applications are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

THE MARYLEBONE ASSOCIATION:

Any response to be reported verbally

ARBORICULTURAL OFFICER:

Tree protection measures appear satisfactory in principle. Noted that the subject tree lies outside of the application site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 96 Total No. of replies: 16 No. of objections: 16 No. in support: 0

Objections on the following grounds:

- Increased loss of privacy
- Increased noise nuisance
- Impact on the magnolia grandiflora tree in neighbouring communal garden
- Impact of rainwater pipe
- Impact of building works

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 89 York Street is a Grade II listed building located within the Portman Estate Conservation Area. The building comprises lower ground, ground and two upper floors. The application relates to a duplex apartment on the two lower floors.

The rear of the building overlooks extensive communal gardens to the rear of Seymour Buildings. These gardens are bounded by properties in York Street, Seymour Place, Crawford Street and Homer Street. There is a semi mature magnolia tree within this garden, close to the application site.

6.2 Recent Relevant History

9 June 2015: Permission and listed building consent granted for the 'installation of two Juliet balconies and French doors, the replacement of the glazed roof to the rear and installation of fanlight above the front door'. (15/02505/FULL and 15/02506/LBC). Not implemented.

93 York Street

4 February 2014: Permission and listed building consent granted for the installation of new windows on rear elevation, alterations to front basement lightwell and ground floor entrance door, underpinning the vaults beneath the pavement to York Street. These works included the installation of Juliet balconies (13/11647/FULL and 13/11648/LBC).

95 York Street

19 April 2018: Permission and listed building consent granted for the use of the basement and ground floors as a 1 x 1 bedroom flat, and alterations including the creation of a Juliette balcony at rear ground floor level, creation of a lightwell at the front of the property with associated railings and alterations to the front and rear elevations (18/01185/FULL and 18/01186/LBC).

7. THE PROPOSAL

Planning permission and listed building consent are sought for the installation of two Juliet balconies and French windows/doors at rear ground floor level, serving the living room to the lower ground/ground floor duplex apartment, and for the installation of a fanlight above the main entrance door to the building.

The detailed design of the proposed windows has been revised to address officers' concerns. In addition, the revised drawings omit a new rainwater pipe on the rear elevation.

8. DETAILED CONSIDERATIONS**8.1 Land Use**

The application does not raise any land use issues.

8.2 Townscape and Design

The application building forms part of terrace dating from circa 1820 and has been substantially altered in the past, including at the rear where it is proposed to install two windows with French doors and Juliet balconies. At the front, a fanlight above the main entrance door is proposed.

In design and heritage asset terms, there is no objection to the proposed alterations which will maintain the special interest of the building and the character and appearance of the surrounding conservation area. The fanlight is a simple design similar to that next door (No. 91) and is acceptable in design and heritage asset terms. Likewise, the detailed design of the French doors and balconies is typical of their kind and they do not appear incongruous when seen from the gardens at the rear. The multi-pane glazing and black-painted metal railings suit the appearance of the building and surrounding conservation area.

The alterations accord with City Plan policies S25 and S28, UDP policies DES 1 DES 5, DES 9 and DES 10 and the council's 'Repairs and Alterations to Listed Buildings' supplementary planning guidance.

8.3 Residential Amenity

Objections have been received from the occupants of Seymour Buildings, at the rear of the site, on the grounds that the proposal will result in an increased loss of privacy and increased noise disturbance to the neighbouring communal gardens and flats, exacerbating problems that have occurred as a result of similar works to neighbouring properties. Objectors are also concerned about noise disturbance during the course of construction.

The neighbouring communal gardens are already significantly overlooked from the rear of Seymour Buildings itself and by other properties in neighbouring streets. In these circumstances, as previously, the proposed French windows and Juliette balconies, which would also be obscured in views to and from the gardens by the adjacent tree, would not result in any significant increase in the degree of potential overlooking to the gardens.

Additionally, as all windows overlooking the gardens have the potential to be opened, the installation of new French windows would not have a significant adverse impact upon the levels of noise generated to a degree that would affect the enjoyment of the gardens or the amenity of neighbouring flats.

Objectors have also expressed concern that the application does not specify the size of the proposed balconies and have referred to the impact of a projecting balcony at the rear of 95 York Street. Juliette balconies are, effectively, railings to prevent falls from open windows/doors. They do not incorporate a balcony 'floor'. The balcony at no 95 projects slightly further from the face of the building than shown on the approved plans and is the subject of investigations by the Planning Enforcement Team. Applications have been submitted for its retention.

Although there is potential for building works to result in some noise disturbance, the works are relatively modest in nature and any impact could be ameliorated by the imposition of the standard hours of work condition. In these circumstances, concerns regarding the impact of the development upon residents' amenity could not reasonably form the basis of a recommendation for refusal.

8.4 Transportation/Parking

Not relevant

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed

8.6 Access

The access arrangements to the property remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

Trees

Objectors are concerned about the impact of the development upon the semi-mature magnolia tree and other planting in the neighbouring communal garden at the rear of the site.

The applicant has submitted an arboricultural method statement detailing how the neighbouring tree will be protected during the building works. This report has been reviewed by the Council's Arboricultural Officer who considers that the proposed tree protection measures appear acceptable in principle, although some drawings within the report and details of the proposed protective fencing are inconsistent. However, it is noted that the tree is located beyond the application site, outside of the applicant's control. In these circumstances, a condition relating to tree protection measures would not be appropriate or enforceable. Nevertheless, in commissioning a report in the first instance, the applicant has demonstrated an awareness of the need to safeguard the tree. They will need to seek the agreement of the landowners to access to garden to undertake any works and issues surrounding the protection of the tree will be a private matter between the two parties.

An informative is recommended reminding the applicant of the need, if tree works are proposed, to make a section 211 notification at least six weeks prior to the carrying out of any works. Furthermore, permission will be required by the owner of the tree's owner prior to the submission of any such notification.

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 proposal is not CIL-liable.

8.11 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

Several objectors have expressed concern that residents of Seymour Buildings were not directly consulted in relation to proposals to install French windows and Juliette balconies in neighbouring properties at 93 and 95 York Street. While it appears that

neighbour consultations were not undertaken, a site notice was posted and an advertisement was placed in the local press. These concerns are not directly relevant to consideration of the current application. Permission was granted for the alterations to the application property in 2015. Records show that 127 neighbour consultations were undertaken. Two objections were received on the grounds that the proposals would have an adverse impact upon the amenity of the neighbouring communal garden.

Objections have been received on the grounds that works have already been carried out to implement the current proposals. The applicant has confirmed that minor work was undertaken in connection with the installation of the fanlight on the front façade but that this work has ceased (and the space boarded up) pending consideration of the current application. No work has been undertaken at the rear.

A new rear rainwater pipe has been omitted from the revised rear elevation. This addresses objectors' concerns about the impact of water discharging from this pipe upon the adjoining communal garden.

Objectors consider that the applicants are using views of the adjacent communal gardens to increase the value of their own property. This is not a material planning consideration and permission cannot be refused on these grounds.

(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: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

Architectural drawings of the proposed rear elevation of the building at 204 West 25th Street, New York, NY. The drawings include a plan view, a section view, and a detail view. The plan view shows the building footprint with various rooms and windows. The section view shows the building's profile with a new rear elevation. The detail view shows a close-up of the building's facade. The drawings are labeled with 'No. 93', 'No. 91', and 'No. 89'. A scale bar is provided at the bottom left. A north arrow is located at the bottom right. The drawings are dated 10/1/2010 and are the property of CPA Architects Ltd.

Architectural drawing of the rear elevation of a building. The drawing shows a symmetrical facade with a central entrance, multiple windows, and a balcony. Annotations include 'Render', 'Brickwork', and 'Limited new white painted double doors with white backing to match no. 833'. A scale bar at the bottom indicates a scale of 1:50. The drawing is labeled 'Rear Elevation' and 'Scale 1:50'.

DRAFT DECISION LETTER

Address: 89 York Street, London, W1H 4QD

Proposal: Installation of two Juliet balconies and French windows at rear ground floor level and installation of a fanlight above the front entrance door to the building.

Reference: 18/06754/FULL

Plan Nos: 204 REV B, 301a

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 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 Portman Estate 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 approved railings are to be painted black and maintained in this form for as long as they remain in place.

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 Portman Estate 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)

- 5 All new windows and glazed external doors must be formed in white painted timber and single glazed.

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 site is in a conservation area and the proposed works are very close to a small Magnolia tree. Notwithstanding the proposal in your tree report for surgery to the magnolia tree T1, we cannot agree this work as part of this planning permission because the tree is outside of the site boundary. By law you must write and tell us if you want to cut, move or trim this tree or any of the other trees in the communal garden. You must make a separate section 211 notification at least six weeks prior to carrying out any tree work. You are advised to obtain the permission of the owner of the tree prior to submitting this section 211 notification. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922.

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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.

DRAFT DECISION LETTER

Address: 89 York Street, London, W1H 4QD,

Proposal: Installation of two Juliet balconies and French windows at rear ground floor level and installation of a fanlight above the front entrance door to the building.

Reference: 18/06755/LBC

Plan Nos: 204 REV B, 301a

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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

- 1 The works 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 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 protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 3 All new windows and glazed doors to be white painted timber with single-glazing.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 4 The approved railings are to be painted black and maintained in this form for as long as they

remain in place.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

5 The works approved are only those shown on the drawings listed on this decision letter.
(R26NA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

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It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.