

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 May 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	7 Wimpole Street, London, W1G 9SN		
<b>Proposal</b>	Use of the building as a single family dwellinghouse (Class C3) and internal alterations, namely the removal of non-original partitions and false floors within the former dental studio rooms.		
<b>Agent</b>	Rolfe Judd Planning		
<b>On behalf of</b>	Mr David Yeo		
<b>Registered Number</b>	18/10653/FULL & 18/10654/LBC	<b>Date amended/ completed</b>	18 December 2018
<b>Date Application Received</b>	18 December 2018		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Harley Street		

## 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

7 Wimpole Street is a grade II listed building of 1912-13 located in the Harley Street Conservation Area and the Harley Street Special Policy Area. The property is currently vacant, but most recently was in use as a dentist surgeries at ground, first and second floors, a non-self-contained maisonette at third and fourth floors, and a basement flat.

Permission is sought to use the building as a single family dwellinghouse (Class C3) and undertake internal alterations to remove the non-original partitions and false floors within the former dental studio rooms.

The key issues are:

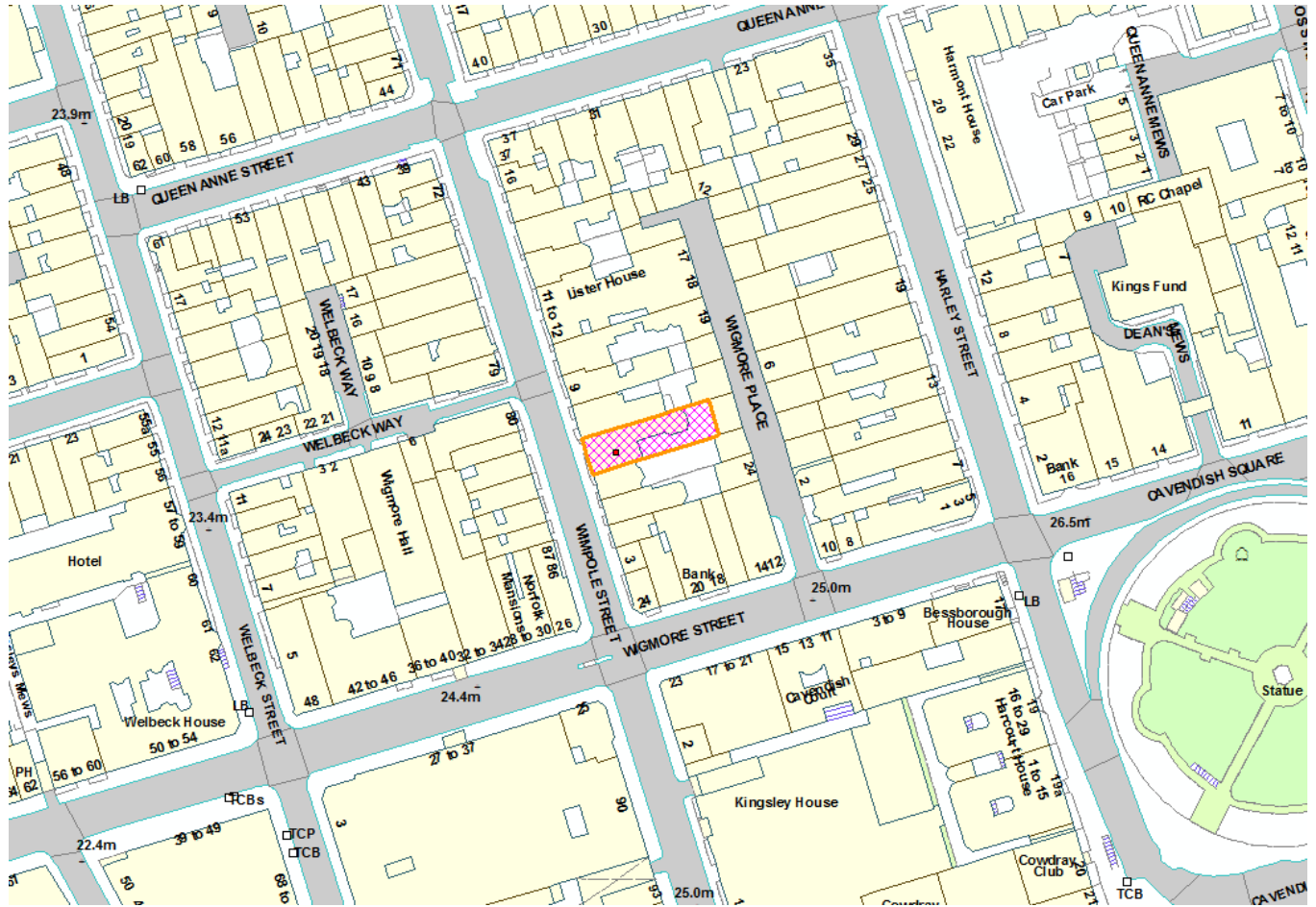
- Whether exceptional circumstances exist in this instance to justify the loss of the medical floorspace on site within the Harley Street Special Policy Area (SPA).
- Whether the special interest of this listed building is preserved by the proposal alterations.

- Whether the loss of one residential unit is acceptable.

To ensure a viable future for this listed building, it is considered that its conversion to a single family dwellinghouse is necessary. This, combined with works proposed that will enhance the special interest of this listed building, are considered to provide the exceptional circumstances to depart from the policy protection for medical floorspace within the Harley Street SPA. Furthermore, reverting this converted former dwellinghouse back to a family sized single family dwellinghouse falls within one of the policy exceptions to the protection of residential units.

For these reasons, it is recommended that conditional permission and consent be granted.

### 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



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

No objection

### WASTE PROJECT OFFICER

Acceptable subject to a revised plan to be submitted indicating residual waste storage.

### HIGHWAYS PLANNING

Objection raised to lack of residential car parking.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 29

Total No. of replies: 1

One objection received from Howard de Walden Estate who raise concerns regarding the loss of medical floorspace within the Harley Street Special Policy Area.

### PRESS ADVERTISEMENT / SITE NOTICE

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

7 Wimpole Street is a Grade II listed building located within the Harley Street Conservation Area and the Harley Street SPA. The building dates 1912-13 and was built as a large private house.

There is no planning history that unequivocally demonstrated the lawful uses(s) of the building. However, based on the condition of the building and the evidence provided within the letter of objection from the Howard de Walden Estate, it appears that the lawful use of the building is as a basement flat, dental surgeries at ground, first and second floor levels, and a residential maisonette over third and fourth floors.

A communal staircase and common parts link the ground and upper floors of the building. This is not at all unusual, with such arrangements of accessing flats on upper floors through shared access cores being common within the Harley Street Special Policy Area. What is unusual, however, is that the maisonette at third and fourth floor levels is not self-contained from these common parts.

### 6.2 Recent Relevant History

None relevant

## 7. THE PROPOSAL

Permission and listed building consent are sought for the change of use of the entire building to a single family sized dwellinghouse (Class C3). Internal alterations are

proposed to remove the non-original partitions and false floors within the former dental studio rooms and other remedial work to make good work carried out to allow the operation of the dental surgeries.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

It appears likely that the ground and upper floors of the building were initially occupied by a dentist who both lived and worked within the building. Over the years, more and more rooms seem to have been sub-let to fellow dentists, with the living accommodation retreating further up the building into the upper floors.

Policy S34 provides protection to all social and community floorspace except where, '*... existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider*'. Furthermore, the site's location with the Harley Street SPA means that medical uses are afforded significant protection, with City Plan Policy CM2.1 only allowing the loss of existing medical facilities, including consultation rooms and related professional and support services, in exceptional circumstances where:

- a) the council is satisfied that the premises have been vacant and actively marketed for medical use for at least 12 months at a reasonable market value and attempts to find an occupier have been unsuccessful;
- b) the character and function of the area as a centre of medical excellence would not be affected;
- c) the change of use is to other priority uses for the SPA including medical and supporting services, or residential.

The Howard de Walden Estate has objected to the application on the ground that the loss of the dentist surgeries is contrary to City Plan Policy CM2.1, undermining the reason for the designation of the Harley Street SPA as a centre of medical excellence.

There are, however, considered to be exceptional circumstances in this instance. As set out above, the maisonette over third and fourth floor is not self-contained and there is no prospect of it becoming self-contained as the insertion of some type of stud wall in this location would cause considerable harm to the special interest of the listed building given the importance of the staircase to the architectural and historic interest of the listed building. The result is that the ground and upper floors of the building would only be capable of being occupied by a medical professional that was content to accept the security and privacy constraints of living in a building shared with other staff and patients.

Changes to the way in which medical practices now operate mean that the people that the building would be attractive to is now so narrow that it is considered to be highly likely that the building would be left vacant indefinitely. This is clearly unwelcome in terms of security, the vibrancy of the area and to ensure that this listed building is properly maintained.

Furthermore, significant weight is given to the heritage benefits of reverting this townhouse to the use for which it was built. This is particularly the case as using the building as a dwelling will facilitate the building's restoration and repair. It is evident that the medical use has resulted in a number of potentially harmful alterations to the property. This application proposes to make good all those alterations and restore the property to its former glory. Such a position is supported by UDP Policy DES 10(C) and UDP Para. 10.131 that simply states, '*The best use for a listed building is that for which it was built*'.

For these reasons, it is considered that there are exceptional circumstances to permit the loss of medical floorspace within the Harley Street SPA in this instance.

An objection has also been raised on the ground that the proposal would result in the loss of one residential unit. This is contrary to aims of City Plan Policy S14 that states that proposals that would result in a reduction in the number of residential units will not be acceptable, save for three exceptions. One of these is where a converted housing is being returned to a family-sized dwelling or dwelling. The proposal would fall within this exception and therefore the loss of one residential unit is policy-compliant in this instance.

## 8.2 Townscape and Design

The majority of the works required to return the building from its current mix of uses (residential/medical) are to undo harmful works which have been implemented without consent or which predate the listing of the building. The return of the building to use as a single family dwelling is a desirable outcome in heritage terms, and the reversal of harmful works are desirable individually.

The proposed works are modest in their extent - sufficient to allow the use of the building as a house - but do not involve any significant changes to fabric or plan form. It is anticipated that a further application for specific works may come forward in the future from a future occupier.

The removal of the harmful partition in the first floor front room will be a particular benefit, as will the rationalisation of the pipework on the rear elevation of the building. A condition should ensure that new pipework is in black painted metal to match the existing.

The proposal retains those all the elements of the building which make a contribution to its special interest. In particular, the fireplaces with their tiled surrounds are important survivals, and should be particularly protected by condition.

The proposed reversion of the building to use as a single family house, and the associated modest works of alteration will serve to preserve the special architectural and historic interest of the property. Both the proposed reversion of the entire property to residential use as a single private house and the associated modest works of alteration will serve to preserve the character and appearance of the Harley Street Conservation Area. Neither the proposed reversion of the entire property to residential use as a single

family house nor the associated modest works of alteration will harm the significance of the property or that of the conservation area.

### **8.3 Residential Amenity**

The use of the building as a single family dwellinghouse raises no amenity concerns.

### **8.4 Transportation/Parking**

An objection has been received from the Highways Planning Manager regarding the potential of the proposal to increase car parking stress in the vicinity of the site. The proposal involves a net loss of residential units and therefore this concerns is unfounded.

A condition is recommended securing cycle parking provision on site.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Not applicable

### **8.7 Other UDP/Westminster Policy Considerations**

A condition securing further details of waste and recyclable material storage is recommended.

### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

### **8.9 Neighbourhood Plans**

None of relevance.

### **8.10 London Plan**

This application raises no strategic issues.



### **8.11 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.

### **8.12 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

The proposal is not CIL liable as no increase in floorspace is proposed.

### **8.13 Environmental Impact Assessment**

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

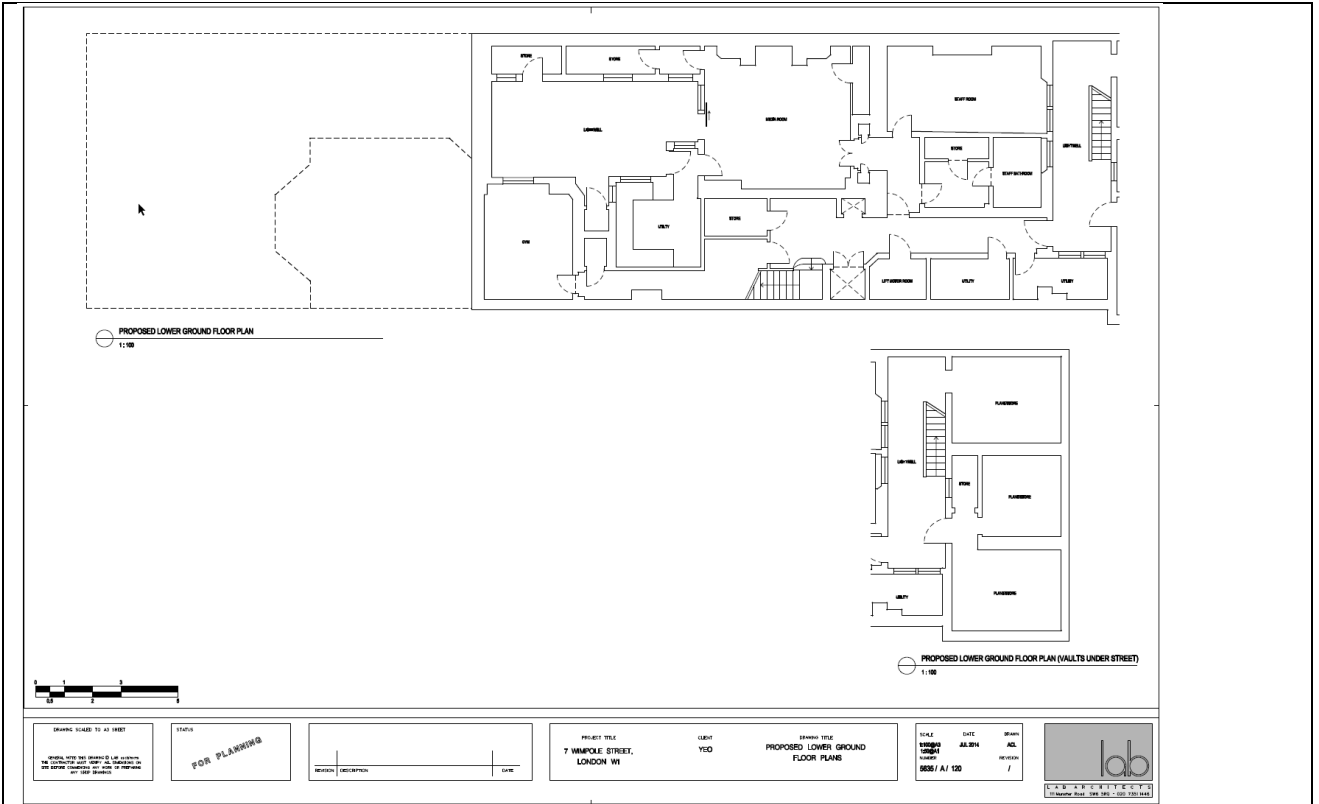
### **8.14 Other Issues**

None

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

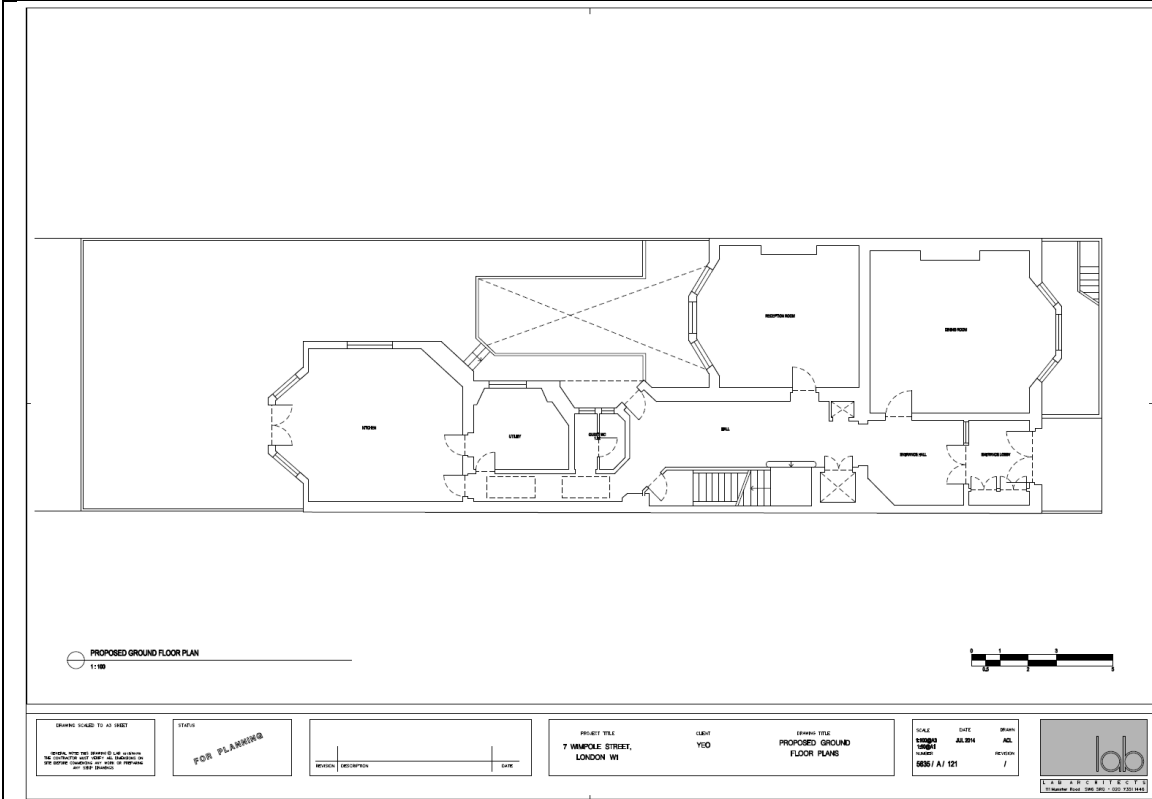
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

9. KEY DRAWINGS

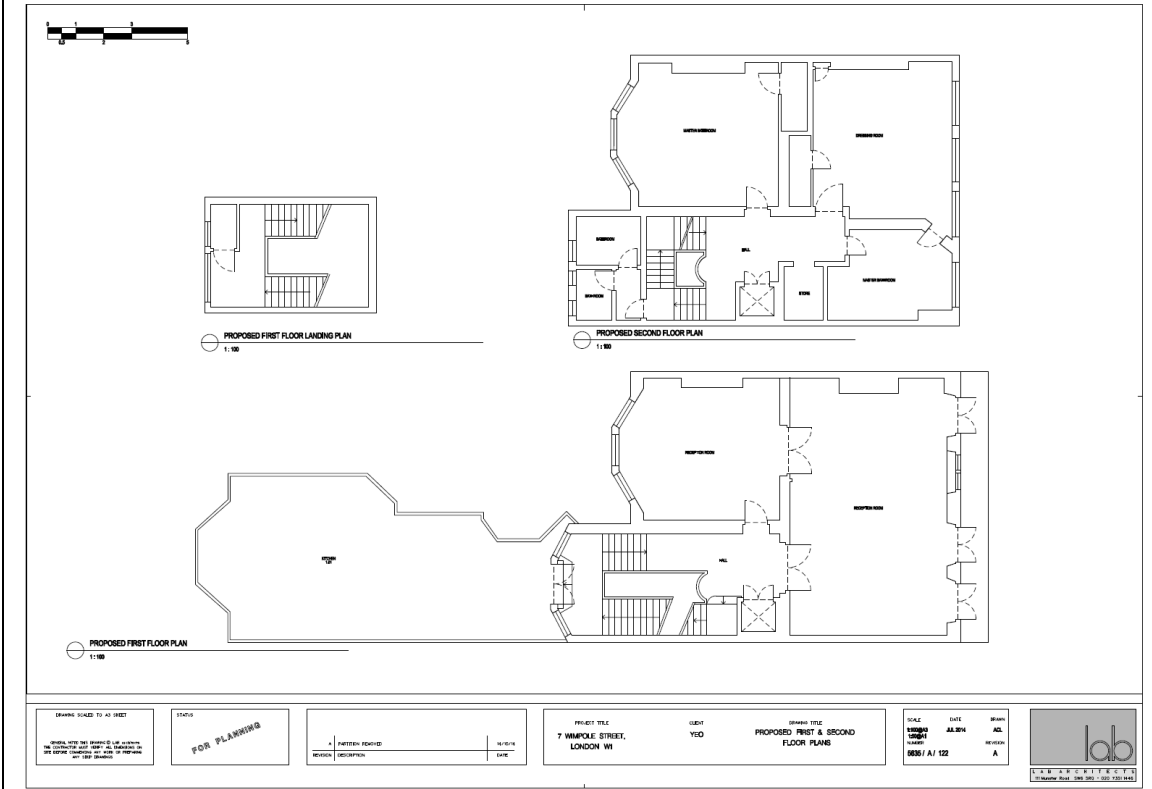


.\\CAD\\P18\_Files\\5635\_A\_120.dgn 14/10/2014 14:12:30

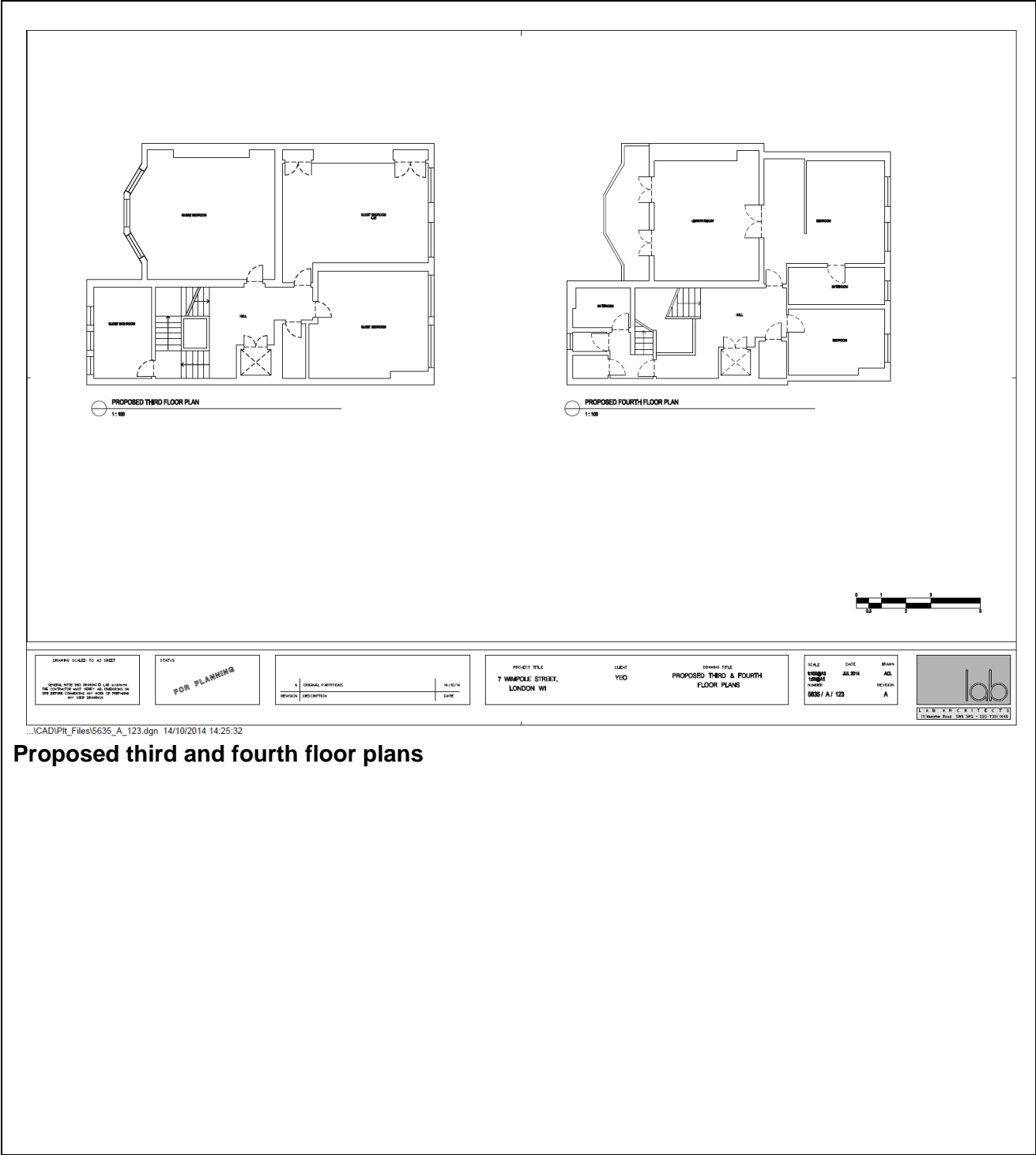
Proposed lower ground floor plan



**Proposed ground floor plan**



**Proposed first and second floor plans**



<small>DRAWING SCALE TO A3 SHEET</small> <small>GENERAL NOTE: THE DRAWING IS THE PROPERTY OF LAB ARCHITECTS AND IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF LAB ARCHITECTS.</small>	<b>FOR PLANNING</b>	<small>REVISION</small> <small>DESCRIPTION</small> <small>DATE</small>	<small>PROJECT TITLE</small> <b>7 WIMPOLE STREET, LONDON W1</b>	<small>CLIENT</small> <b>YEO</b>	<small>DRAWING TITLE</small> <b>PROPOSED THIRD &amp; FOURTH FLOOR PLANS</b>	<small>SCALE</small> <b>1:100</b>	<small>DATE</small> <b>22/04/14</b>	<small>DRAWN</small> <b>ADL</b>
		<small>VERSION</small> <small>DESCRIPTION</small> <small>DATE</small>	<small>PROJECT TITLE</small> <b>7 WIMPOLE STREET, LONDON W1</b>	<small>CLIENT</small> <b>YEO</b>	<small>DRAWING TITLE</small> <b>PROPOSED THIRD &amp; FOURTH FLOOR PLANS</b>	<small>SCALE</small> <b>1:100</b>	<small>DATE</small> <b>22/04/14</b>	<small>DRAWN</small> <b>ADL</b>

...ICADIPIT\_Files\5635\_A\_123.dgn 14/10/2014 14:25:32

**Proposed third and fourth floor plans**



**DRAFT DECISION LETTER**

**Address:** 7 Wimpole Street, London, City Of Westminster, W1G 9SN

**Proposal:** Use of the building as a single family dwellinghouse (Class C3).

**Reference:** 18/10653/FULL

**Plan Nos:** 5635/A/120, 5635/A/121, 5635/A/122 REV A, 5635/A/123 REV A

**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 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the dwellinghouse use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the dwellinghouse. You must not use the waste and recycling store for any other purpose. (C14GA)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 3 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

**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, neighbourhood plan (where relevant), 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.

**DRAFT DECISION LETTER**

**Address:** 7 Wimpole Street, London, W1G 9SN

**Proposal:** Internal alterations comprising the removal of non-original partitions and false floors within the former dental studio rooms. (Linked to 18/10653/FULL)

**Reference:** 18/10654/LBC

**Plan Nos:** 5635/A/120, 5635/A/121, 5635/A/122 REV A, 5635/A/123 REV A

**Case Officer:** Shaun Retzback

**Direct Tel. No.** 020 7641 6027

- 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 and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in 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. (R27AC)

- 3 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

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)

- 5 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

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)

- 6 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in 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. (R27AC)

- 7 You must not disturb the fireplaces or tiled fireplace surrounds. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

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)

- 8 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in 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. (R27AC)

**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



Item No.
<b>7</b>

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.; , 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)