

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 <sup>th</sup> July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	<b>23 Sutherland Place, London, W2 5BZ</b>		
<b>Proposal</b>	Removal of front balcony structure and replacement with new balcony structure and associated works, and repair works to front porch.		
<b>Agent</b>	Rosling And Bose		
<b>On behalf of</b>	Rosling and Bose		
<b>Registered Number</b>	18/05319/FULL, and 18/05320/LBC	<b>Date amended/ completed</b>	29 April 2019
<b>Date Application Received</b>	25 June 2018		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Westbourne		

## 1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

Permission and consent are sought for the removal of front balcony structure and replacement with new balcony structure (part retrospective) and associated works, and repair works to front porch.

The key consideration in this case is:

- The impact of the works on the character and appearance and significance of the listed building and adjoining buildings and Westbourne Conservation area.

Given the circumstances of the case, the proposed development would be consistent with relevant design and amenity policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and as such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation Prior to Removal of Balcony



Front Elevation After Removal of Balcony



Close Up of Remains of Balcony Structure



View of Balcony Structures of Buildings Adjoining to South of no. 23



## 5. CONSULTATIONS

### NOTTING HILL EAST NEIGHBOURHOOD FORUM:

State that the proposals are approved subject to receiving measured detailing of a section drawing through the restored balcony showing the correct historic profile.

### BUILDING CONTROL:

State that they have no adverse comments regarding the proposals.

### HISTORIC ENGLAND

State that they do not consider that it is necessary for the application to be notified to Historic England under the relevant statutory provisions.

### NATIONAL AMENITY SOCIETIES

Any responses to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 7

Total No. of replies: 12 objections in total received from two neighbours in adjacent property

No. of objections: 2

No. in support: 0

Objections on the following grounds

#### Design:

- Concern expressed about a perceived lack of details on the final finishes and detailing of the new balcony proposed.

#### Structural Integrity:

- Concerns expressed about the structural implications of the proposed works on both no. 23 Sutherland Place and also adjoining buildings.
- Concern about a lack of accurate survey drawings or information suggesting that the engineers have not undertaken an accurate survey of the existing building, and about inaccurate information and drawings given on the structure of the building.
- Comments given on the existing condition and structure of the balcony to the front of no. 23 Sutherland Place.
- Concern about previous structural works carried out at both nos. 22 and 23 Sutherland Place and the structural implications those works have had upon the buildings, and a history given as to previous structural works and issues to these buildings and resulting actions taken.
- Concern about on-going structural issues at nos. 22 and 23 Sutherland Place, and that the works proposed could exacerbate these issues.
- Concern expressed about the lack of measures in the application to address the concerns about the existing on-going structural issues.
- Request for a more sensitive traditional repair to the balcony.
- State that further structural repairs are required to the front of nos. 22 and 23 Sutherland Place.

- Request for an urgent site visit by the City Councils District Surveyors Service to discuss structural issues.
- Statement that a Civil Engineer is submitted objections.
- State that an application is intended by the objectors for works to the front wall foundations at nos. 23 and 22 Sutherland Place.

Other Issues:

- Query whether permission has been granted for the removal of the balcony.
- State that the works will impinge on the party wall and a party wall agreement would be required.
- State that they are unaware of other houses in this listed terrace with similar construction, or that any other house has had to replace the existing original structure.
- State that legal action will be considered if permission and consent are granted.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

No. 23 Sutherland Place is a mid-terrace house of basement, ground and three upper floors. The building and terrace of which it is a part dates from the mid 19<sup>th</sup> century. The building is Grade 2 listed and is located within the Westbourne Conservation Area, and it is use as a single dwelling house.

### **6.2 Recent Relevant History**

On 11<sup>th</sup> January 2019 the City Council served a Dangerous Structure Notice on the balcony structure to the front elevation of no. 23 Sutherland Place.

On 9<sup>th</sup> May 2019 listed building consent was granted for a scheme at no. 22 Sutherland Place comprising works of underpinning below front wall and front of party wall between nos. 22 and 23, and including repairs to the porch and front door lintel and pilaster and the facade stucco at basement and ground floor levels.

## **7. THE PROPOSAL**

The applications seek permission and consent for works to the front balcony area of the building at first floor level, with the original balcony removed and a new concrete balcony structure proposed including the re-installation of the metal railings on the balcony. Repair works are also proposed to the front porch structure.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The applications do not raise any land use issues.

## 8.2 Townscape and Design

In common with the other terraced properties in this terrace, no. 23 Sutherland Place was originally constructed with a balcony structure projecting from the front elevation at first floor level, and each building was also constructed with projecting entrance porch structures at ground floor level.

The balcony structure to no. 23 Sutherland Place was likely to have been original to the mid 19<sup>th</sup> century construction of the building, and appears formed with clay tiles supported by iron bars surrounded by mortar sealed with a cement finish. At the initial submission of the application the applicants advised that the balcony structure was in poor condition and was required to be removed and replaced, and it was supported by temporary propping. The City Council since served a Dangerous Structure Notice on the balcony, and it was subsequently removed to its approx. 2.7m width. Whilst recognising the stated desire of the objectors for repair works to be carried out to the existing balcony structure, given the above circumstances the removal carried out was not considered unacceptable in itself.

The applications seek to install a new balcony structure in concrete with steel supports set into the front elevation of the building. A replacement of an original balcony with a new concrete structure would not normally be acceptable to a listed building as it would mean a loss of original fabric and its replacement with a modern material. In this case however, given the removal of the previous balcony following the serving of a Dangerous Structures Notice the loss of historic fabric, though regrettable, is considered justifiable due to its poor condition. Officers have explored with the applicants the possibility of introducing a new Portland stone balcony which would allow for a more traditional material to be used which is not uncommonly found to balcony structures within Westminster (albeit not one originally used to this location) however they have advised that they consider that structurally it is not possible to construct such a stone balcony structure without adding brackets or similar supports to the underside of the balcony. It is recognised that such brackets would have an adverse impact on the slenderness and horizontal emphasis of the balcony structure, which is an important part of its character and of the continuous run of balconies and porch roofs along the terrace as a whole.

The new balcony proposed will match the position, profile, depth, width and fall of the balcony previously removed, which will restore the appearance of the former balcony structure, if not the original materials, and which is considered to cover the point raised by the Notting Hill East Neighbourhood Forum. Given that the proposed concrete balcony will match the dimensions of the original and will have the historic ironwork retained and reinstated, it is concluded that in the particular circumstances of this case a justification can be made for the approach proposed in the application.

Details of finishes to the balcony structure including the detailing of how it will abut existing retained structures to the front of the building, which are points raised in the objections received, will be secured by condition to ensure they are appropriate to the building and help the appearance integrate with the pattern of balcony extensions to the street.

The railings which were to the front edge of the previous balcony structure are to be reused on the new balcony, and will be painted black to ensure they maintain a



traditional appearance. The re-use of this element of the historic fabric of the building is supported, and will help ensure that the new balcony structure will reflect the appearance of the previous one in place to the building.

The objectors state that they are unaware of other houses in the listed terrace having had to replace original balconies. Whilst there are no application details apparent to suggest applications for such works in recent years, from a visual inspection some more modern balcony structures may appear in place to other buildings. Notwithstanding such changes, for which there is no specific evidence other than the visual inspection from street level, the current applications propose the replacement of the balcony to the front elevation of this building, and these must be considered on their planning merits.

There are several minor areas to the underside of the ceiling to the front entrance porch to no. 23 Sutherland Place where the plaster finishes are in poor condition, and the proposed repair works to these plaster finishes in lime based render is considered acceptable. Internally to ground floor level the ceiling fabric appears more modern and the works therefore will have a lesser impact on the significance of the building in terms of the impact on the interior.

Given the above comments, in the specific circumstances of this case the proposals are considered to accord with design policies DES 1, DES 5, DES 9 and DES 10 of the UDP; and S25 and S28 of the City Plan. The recommendation on the applications is considered in line with the statutory duties set out in s. 66 and s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **8.3 Residential Amenity**

A condition is recommended restricting the hours of works to ensure that the construction of the new balcony structure does not adversely affect the amenity of surrounding residents. Subject to this condition the proposals do not raise any unacceptable impact in terms of residential amenity.

### **8.4 Transportation/Parking**

The applications do not raise any transportation/parking issues.

### **8.5 Economic Considerations**

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

### **8.6 Access**

The applications do not raise any access issues.

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

None applicable.

### **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, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

### **8.9 Neighbourhood Plans**

There are no neighbourhood plans relevant for this area.

### **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.

### **8.13 Environmental Impact Assessment**

The application proposals are not of a scale to give rise to any issues with regards to Environmental Impact Assessments.

### **8.14 Other Issues**

Strong objections have been raised by the occupiers of an adjoining building citing various issues related to concerns about the structural implications of the works on both nos. 22 and 23 Sutherland Place and the condition of the buildings, as set out above in this report.

Structural issues resulting from development works such as the ones raised by the objectors are an issue which are at the heart of concerns expressed by residents across many central London Boroughs. Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) February 2019 (revised) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

To address this the applicant has provided a structural methodology statement and structural report and other information on the structural approach and sequencing of the works. Any reports and other such information on the structural approach by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of this information at the planning application stage is to demonstrate that the works can be constructed on the particular site having regard to the site and existing structural conditions. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the works has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The submitted structural methodology report and other accompanying structural information has been considered by our Building Control officers who advised that they have no adverse comments to make. We are not approving this report or accompanying structural information, or conditioning that the works shall necessarily be carried out in accordance with the report. Their purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the building regulations in due course. This report and accompanying information will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. Mindful of the above, whilst recognising the strong concerns received from the objectors, the applications are not considered unacceptable on grounds of the structural concerns expressed in the objection letters. An informative is attached to the draft decision letter advising that further permission and/or consent may be required if the scheme changes in its nature.

The comments made in the objection letters suggesting other works to be carried out to nos. 22 and 23 Sutherland Place including to front elevation and party wall structures and other locations are noted, however the application proposes a specific package of works which is due to be considered on its merits. The statement made in the objection letters received regarding the intention to submit an application to cover structural works to nos. 22 and 23 Sutherland Place is noted, and it is acknowledged that on 9<sup>th</sup> May 2019 consent was granted for works comprising of underpinning below front wall and

front of party wall between nos. 22 and 23 and other repair works. Notwithstanding this consent however, the current applications must be judged on their planning merits.

The statement made in the objections received that a party wall agreement would be required is noted, however this would be a private matter between the two parties to either side of a party wall.

The concerns expressed by objectors regarding the wall thickness and internal floor structure of the building have been raised with the applicants and subsequent confirmation has been given on the wall thickness and that the steel supports into the front elevation of the building can be set between internal floor joists. During the course of the application process revised drawings were received, and the application submission is considered to appropriately describe the proposals for which planning permission and listed building consent are sought.

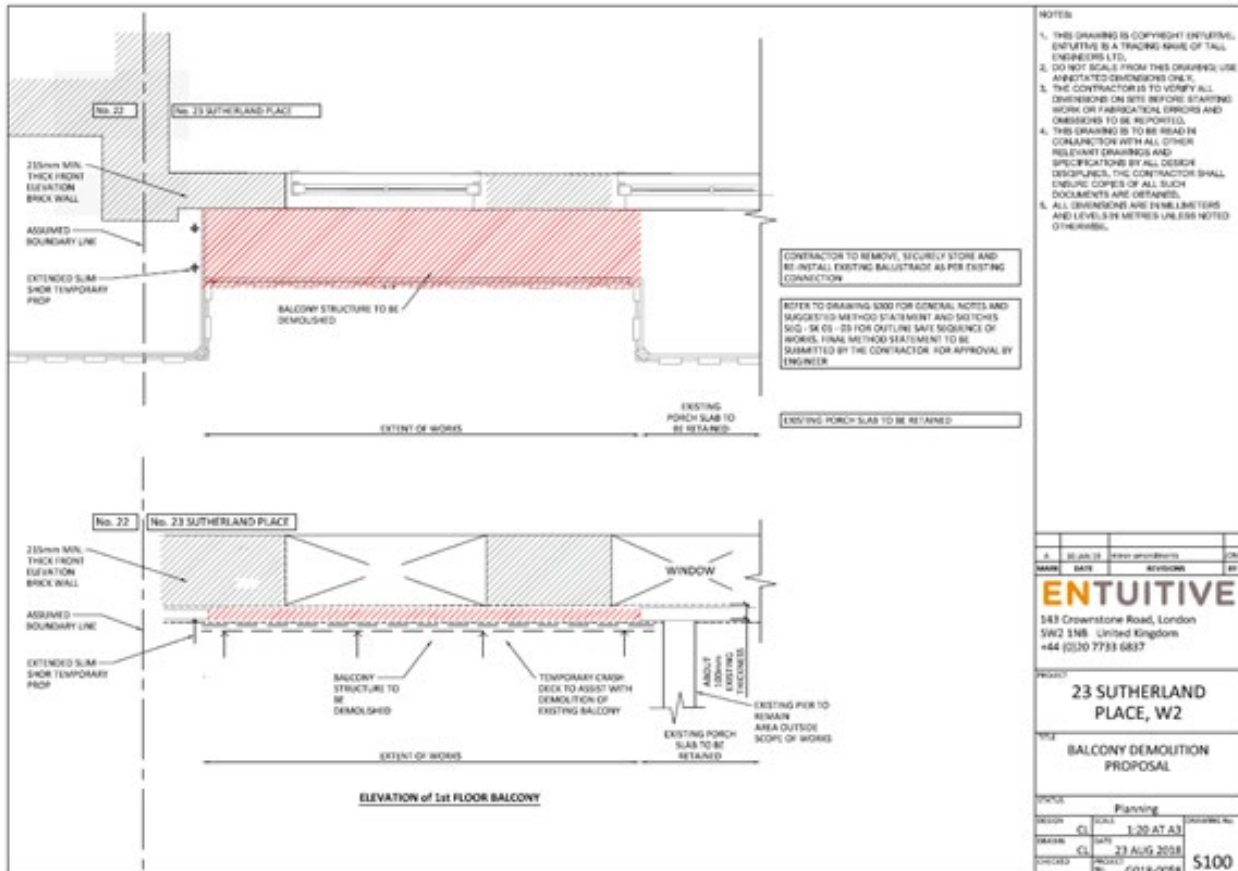
The objectors make reference to a request for the City Councils District Surveyors Service to visit the site. The request is noted and has been passed on to the relevant team. Notwithstanding this, the building control team have considered the application proposals and consider that they have no adverse comments regarding the proposals.

The objections received state that legal action will be considered if permission and consent are granted, however these applications must be considered on their merits, and for the reasons set out in this report are recommended for approval.

(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: RICHARD LANGSTON BY EMAIL AT [rlangston@westminster.gov.uk](mailto:rlangston@westminster.gov.uk)





**DRAFT DECISION LETTER**

**Address:** 23 Sutherland Place, London, W2 5BZ

**Proposal:** Removal of front balcony structure and replacement with new balcony structure (part retrospective) and associated works, and repair works to front porch.

**Reference:** 18/05319/FULL

**Plan Nos:** Block plan, Location plan, site photos, Statement titled 'Justification for Rebuilding the Balcony', S100, S201, S000, P.101-D, S200, S201, Letters from Hodgkinson Design dated 24th October 2018 30th November 2018 7th February 2019 and 14th February 2019, Design and Access Statement (as amended by drawings above), Heritage Statement (as amended by drawings above)

Considered for Information Only:

Structural Methodology Statement, SEQ-SK01, SEQ-SK02, SEQ-SK03, Structural Report on Front Balcony dated January 2019 ,

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

**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 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 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)

- 3 You must apply to us for approval of details including plan, elevation and reflected ceiling (to show underside of the balcony structure) drawings annotated to show the external finishes to the new balcony structure. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these drawings with annotations of materials. (C26DB)

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)

- 4 You must apply to us for approval of details of any fixings or jointing of the new balcony structure to the existing adjoining retained balcony or porch structures, including annotations of materials for finishes (as appropriate). You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these drawings. (C26DB)

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 As an integral part of the works for the installation of the new balcony structure, the railings shall be reinstated to the new balcony structure in a position to match their position on the balcony structure removed, and shall be painted and permanently maintained in a black colour

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 facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 This permission is based on the drawings and reports submitted by you including the structural methodology report and associated drawings. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>
- 5 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is

used for, and may need listed building consent if the changes affect the significance of the listed building. (I23AA)

- 6 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
  
- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

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.

**Address:** 23 Sutherland Place, London, W2 5BZ

**Proposal:** Removal of front balcony structure and replacement with new balcony structure (part retrospective) and associated works, and repair works to front porch. (Linked with 18/05319/FULL)

**Reference:** 18/05320/LBC

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- 5 As an integral part of the works for the installation of the new balcony structure, the railings shall be reinstated to the new balcony structure in a position to match their position on the balcony structure removed, and shall be painted and permanently maintained in a black colour

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**BACKGROUND PAPERS - 23 Sutherland Place, London, W2 5BZ 18/05319/FULL and 18/05320/LBC**

1. Application form.
2. Letter from Notting Hill East Neighbourhood Forum received 31<sup>st</sup> July 2018.
3. Email from Historic England dated 22 February 2019.
4. Emails from Building Control dated 30<sup>th</sup> April 2019 and 8<sup>th</sup> May 2019 including copy of Dangerous Structure Notice dated 11<sup>th</sup> January 2019.
5. Letters and emails from occupiers of 22 Sutherland Place, London, dated or received 28<sup>th</sup> July 2018, 31<sup>st</sup> July 2018, 24<sup>th</sup> September 2018, 26<sup>th</sup> September 2018, 13<sup>th</sup> January 2019, 4<sup>th</sup> February 2019, two emails dated 4<sup>th</sup> March, 5<sup>th</sup> March 2019, 16<sup>th</sup> May 2019