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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 September 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Regent's Park	
Subject of Report	Kings Court, 31 Prince Albert Road, London, NW8 7LT,		
Proposal	Erection of single storey extension at eighth floor level and use of part of flat roof as a terrace with associated balustrade.		
Agent	Miss Annie Reid		
On behalf of	Mr Zaki Farsi		
Registered Number	18/09805/FULL	Date amended/ completed	16 November 2018
Date Application Received	16 November 2018		
Historic Building Grade	Unlisted		
Conservation Area	Outside of a conservation area		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to a residential block of flats located outside of a conservation area. Permission is sought for the erection of a roof extension at eighth floor level to be used as additional habitable accommodation for the existing flat at seventh floor level. A terrace is also proposed around part of the perimeter of the proposed roof extension on the existing flat roof.

Objections have been received from local residents largely on the grounds of amenity and design.

The key considerations of this case are:

- The impact of the extension on the townscape;
- The impact of the development on the amenity of adjacent occupiers.

The proposed development is considered to comply with the relevant policies in the Unitary Development Plan, adopted January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). The application is therefore recommended for approval subject to the conditions set out in the draft decision letter.

4. PHOTOGRAPHS



Front elevation from prince albert road



Google Earth birds eye view

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5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY:

Request that the case officer makes a site visit to assess the objections from neighbours.

THE ROYAL PARKS

Any response to be reported verbally.

LONDON BOROUGH OF CAMDEN:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 44

Total No. of replies: 7

No. of objections: 7 on the following grounds:

Amenity:

- Request a BRE assessment.
- Loss of light and privacy

Design:

- The proposed scheme does not have any design or architectural merit and is out of keeping with the area.
- The existing penthouse floor has been badly implemented and is highly visible and should be looked at if an additional floor is wanted.

Other

- Negative impacts from noise, dust and traffic.
- Little benefit other than to the proposer of the development.
- Council has been lax with developers allowing them to build what they want regardless of the views of residents.
- Request the case officer to visit the property to understand the development.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

31 Prince Albert Road is a large residential block known as Kings Court. The building was constructed in the mid part of the 20th century and it is not a listed building and is not located within a conservation area, though it faces the Regent's Park Conservation area and is also directly adjacent to Primrose Hill. There is an existing plant room and stairwell which provides maintenance access to the roof.

6.2 Recent Relevant History

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15/11197/FULL

Erection of single storey roof extension to the 8th floor to create a maisonette on the 7th and 8th floors.

Application Permitted 2 February 2016

14/11460/FULL

Erection of single storey roof extension to 8th floor level and creation of roof terrace in connection with creation of 7th and 8th floor maisonette.

Application Refused 20 January 2015

7. THE PROPOSAL

The application relates to the top floor (7th floor) flat who proposes the erection of a single storey roof extension at 8th floor level and the creation of roof terrace in connection with the creation of additional habitable floorspace for the existing 7th floor flat. Associated works such as a handrail around the roof is proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed extension of an existing residential flat is acceptable in land use terms.

8.2 Townscape and Design

Objections have been received in relation to the design and appearance of the extension and the existing seventh floor level of the building having a negative impact on the townscape.

Whilst it is located outside of a conservation area, it is located in a highly sensitive location adjacent to Primrose Hill and Regents Park Conservation Area, and the building is readily visible from both those vantage points. It is of relevance that a matching scheme was approved previously on 02 February 2016 under application referenced 15/11197/FULL. It is recognised that the City Plan has been adopted and the NPPF issued since that time, however these policies and guidance are not considered to give weight to a differing determination from the previous decision.

No alterations are proposed to the existing façade at seventh floor level. The extension is shown with a consistent rhythm of aluminium framing subdividing the main elevations of the extension into a series of bays responding to the width and location of the bays of the elevation below. The white framing will help integrate the structure into the character of the building which has a white rendered top floor, with the brickwork facing to the rear picking up on its use in the lower floors of the building. Overall, the extension is considered neatly detailed. A series of 'look a like' spandrel panels are being used to screen views from the extension on the western elevation, and the appropriate detailing of these will be secured by condition.

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Objectors state that the extension and existing seventh floor have a negative impact on the area. Officers consider that though the extension is readily visible from both relatively short and long views from the surrounding area, including the parks, it is not considered to harm the character and appearance of the building or townscape, nor harm the setting of the parks and in the context of the surrounding townscape does not appear excessively large to the roof of the building. Given the above, the extension is considered acceptable in design terms.

The recommendation is considered in line with relevant policies and guidance, and with the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Objection has been received that the extension will have a negative impact in terms of loss of light and increased overlooking.

8.3.1 Sunlight and Daylight

The applicant has submitted a daylight and sunlight report to assess the impact of the proposed development on the neighbouring buildings in accordance with the Building Research Establishment (BRE) guidelines. This indicates that 100% of the adjacent windows meet the requirements of the BRE guide in terms of both daylight and sunlight. It is therefore not considered that a refusal on these grounds could be sustained.

8.3.2 Sense of Enclosure

The majority of the roof extension is set back from the edges with only a small amount of bulk located along the northern side of the building which will enlarge the existing rooftop structure. It is not considered that the proposed extension will have a significant impact given the existing parapet around the roof, the setback location of the majority of the extension and given the relationship of the extension with adjacent occupiers, who will only have oblique views of the development site. The proposals are therefore considered acceptable in these terms.

8.3.3 Privacy

A terrace is proposed around the roof extension, however in order to ensure that no adverse impacts from overlooking occur it is proposed to limit access to some of the roof so that it is not possible to gain access to the westernmost part of the roof (adjacent to Prince Albert Court) and the north eastern part of the roof (adjacent to Ormande Court). The terrace will therefore mainly face south overlooking Regents Park and west over Primrose Hill. Subject to a condition to ensure that these railings are installed, the proposed terrace is considered acceptable in privacy terms.

In relation to the extension itself, it is proposed for the windows in the west facing elevation to have opaque glazing to prevent any overlooking towards Prince Albert Court. One window is proposed in the north elevation, however given that this overlooks the blank side elevation of Ormande Court and there are already many windows in this elevation below, this will not result in any significant loss of amenity. Subject to a condition to ensure that the opaque glazing is installed, the proposals are considered acceptable in these terms.

8.4 Transportation/Parking

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No change to existing arrangement.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No change to existing arrangement.

8.7 Other UDP/Westminster Policy Considerations

None.

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

None relevant to the application site.

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.

It is not considered that a CIL payment will be triggered for this application

8.13 Environmental Impact Assessment (EIA)

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An EIA is not required for a development of this scale.

8.14 Other Issues

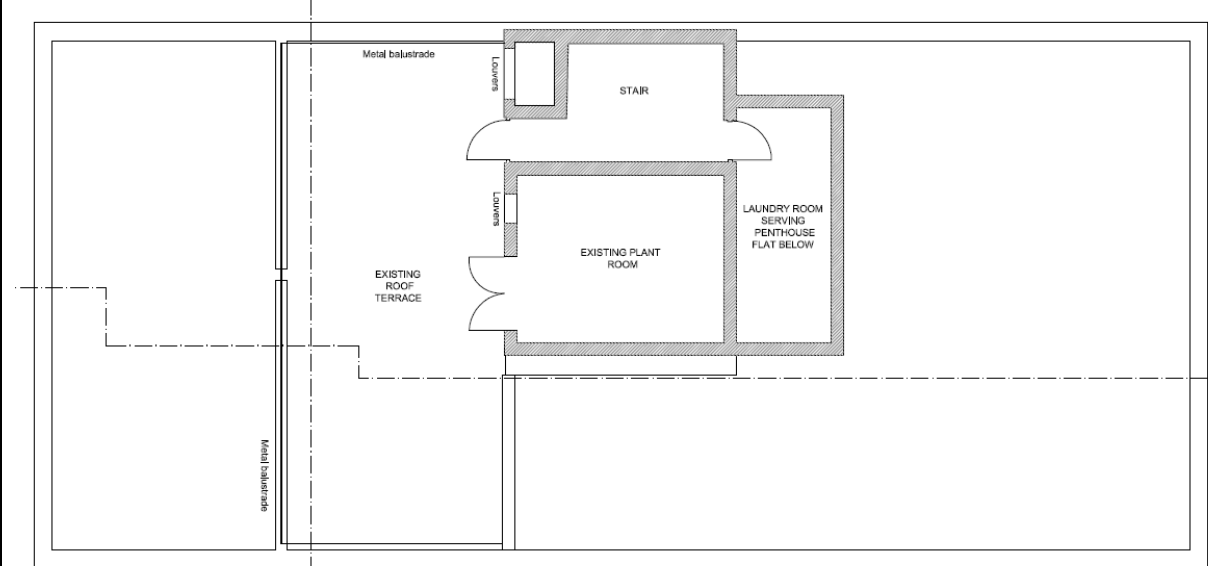
Concerns have been raised by neighbours in relation to disturbance as a result of the construction of the roof extension. Refusal on these grounds could not be sustained, however a condition is recommended to limit the hours in which the building can be undertaken to daytime hours and an informative to recommend that the developer joins the Considerate Constructors scheme.

Objectors have also requested that a site visit is undertaken to note the impact of the development, which has occurred during the course of the application.

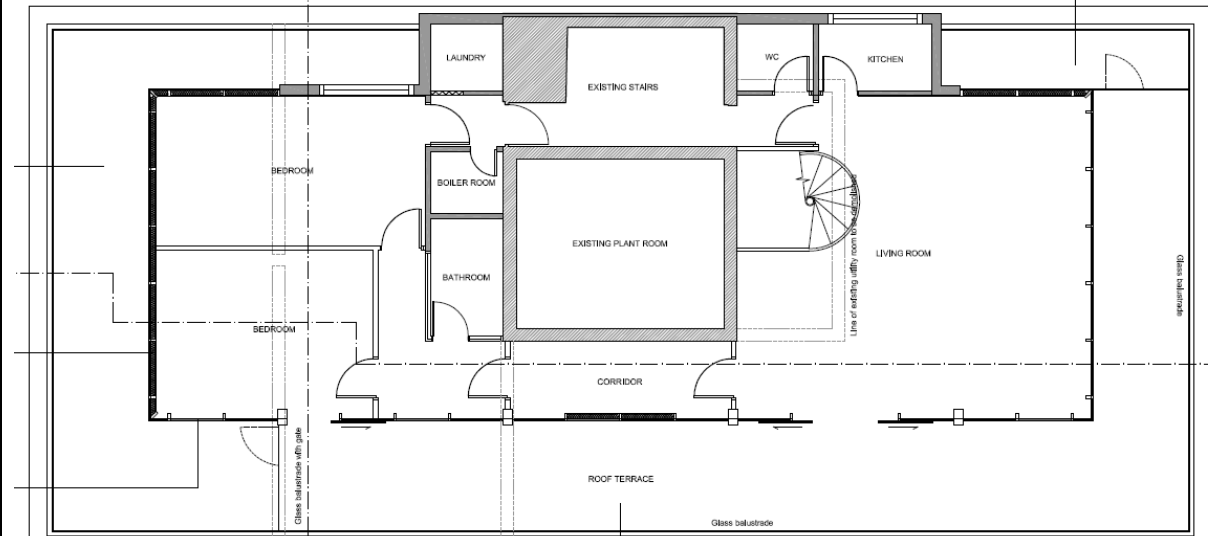
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk .
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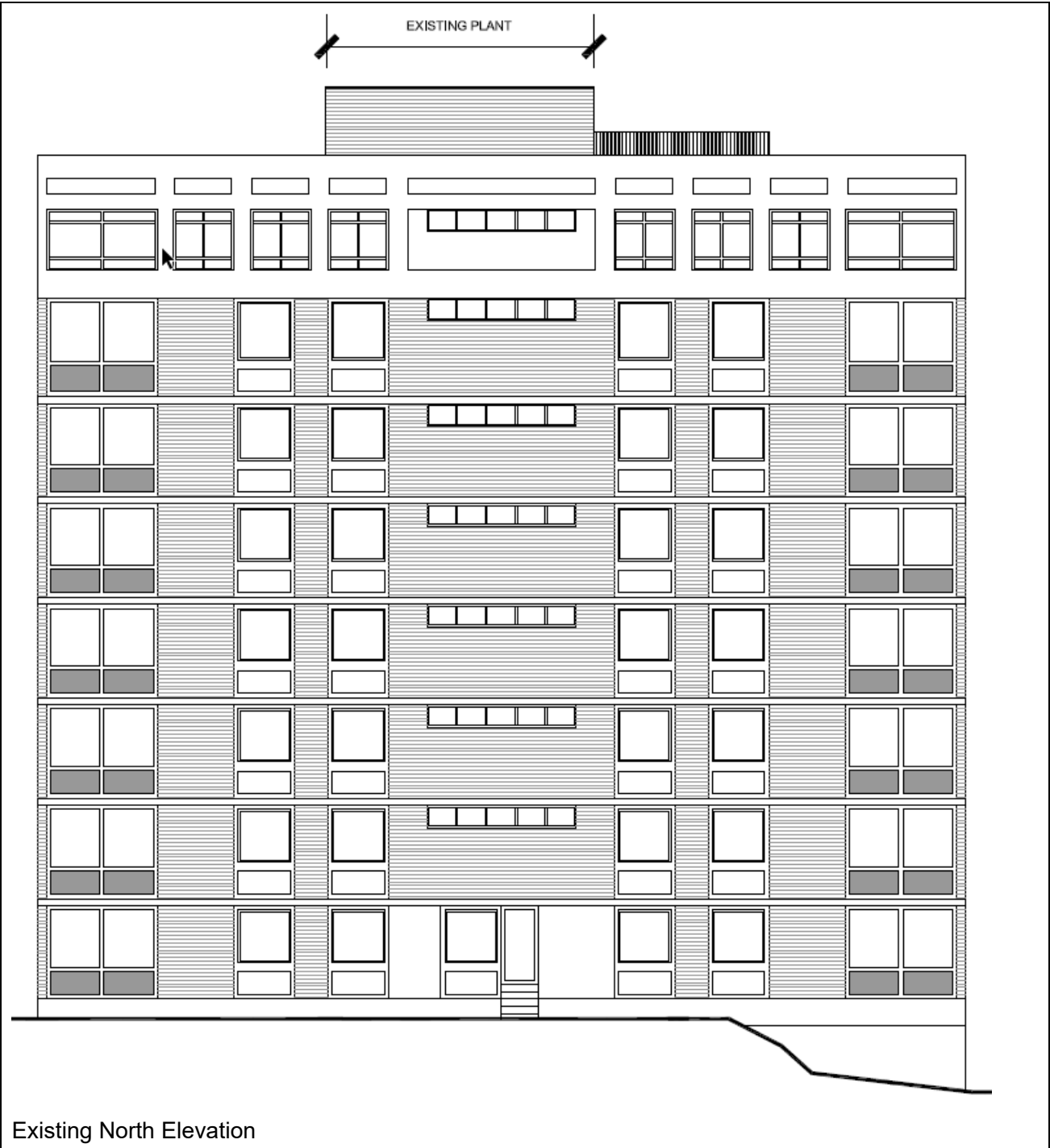
9. KEY DRAWINGS

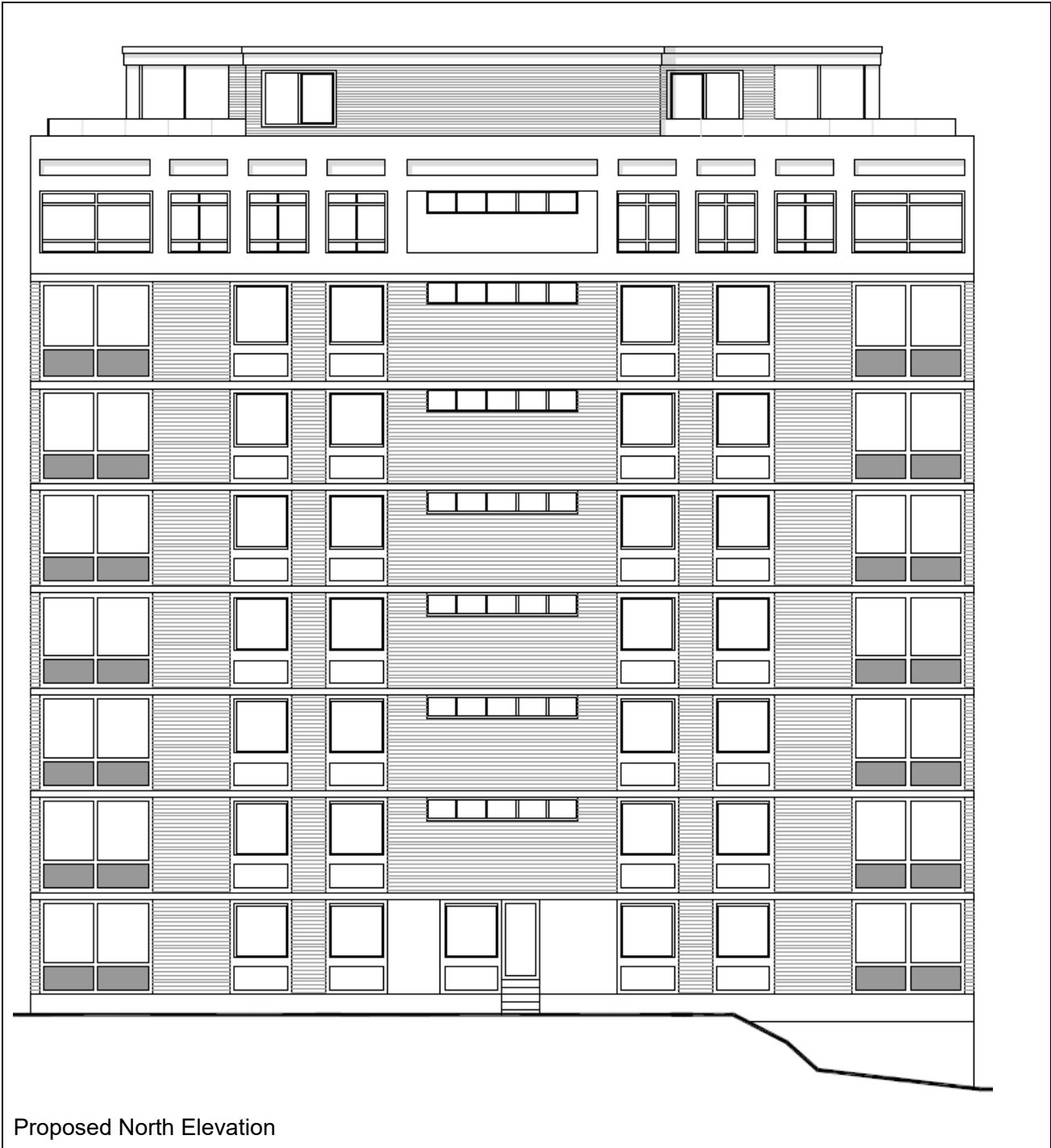


Existing Main Roof and Plant Room Plan



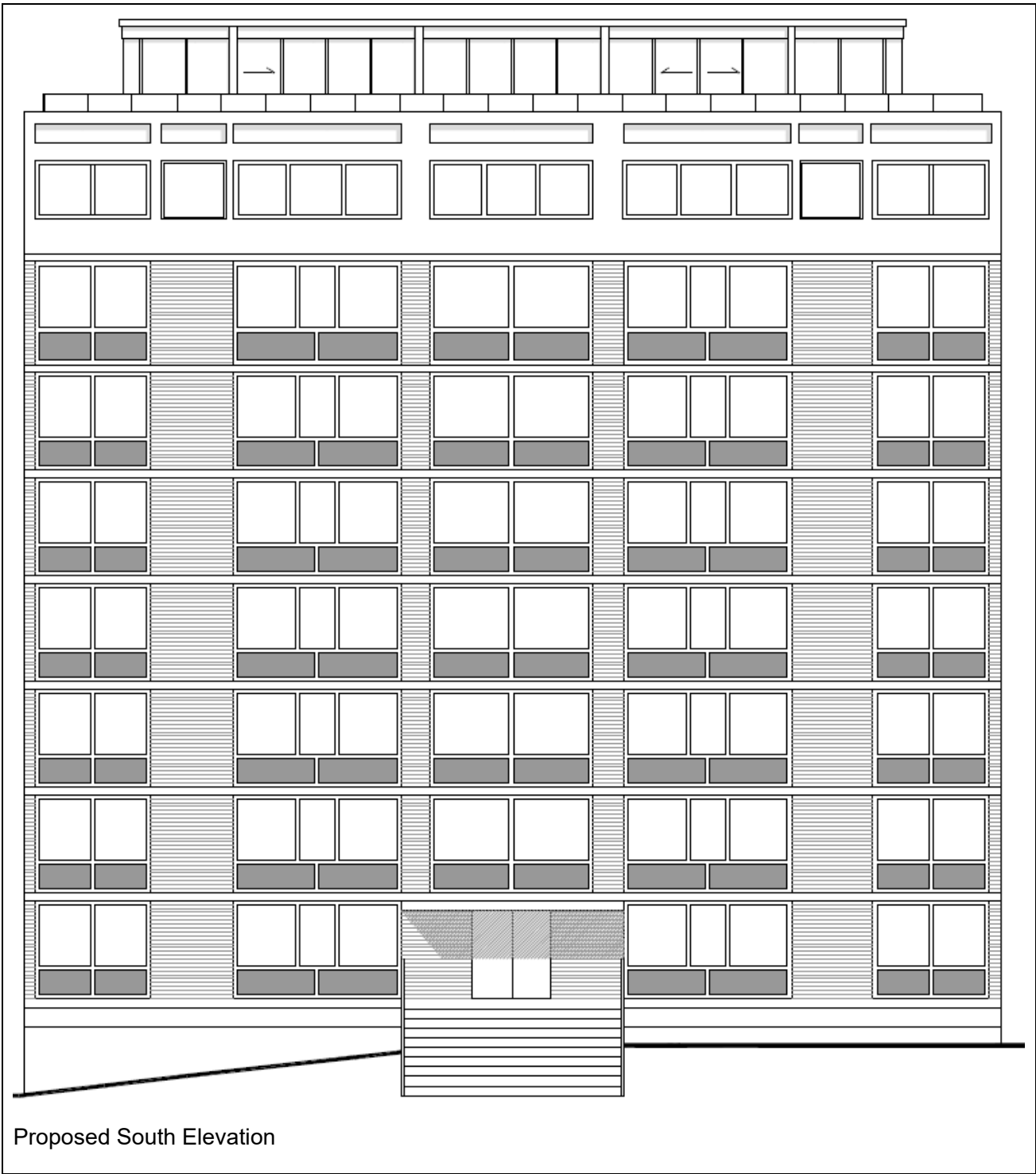
Proposed Penthouse Plan





Proposed North Elevation





Proposed South Elevation

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DRAFT DECISION LETTER

Address: Kings Court, 31 Prince Albert Road, London, NW8 7LT

Proposal: Erection of single storey roof extension at eighth floor level in association with an existing flat at seventh floor level.

Plan Nos: Site location plan; (PA)009 P2; (PA)010 P5; (PA)011 P2; (PA)012 P2; (PA)013 P2; (PA)015 P2; (PA)019 P2; (PA)020 P9; (PA)021 P4; (PA)022 P6; (PA)023 P5; (PA)024 P4; (PA)025 P4; (PA)026 P3. For information only: Design and Access Statement dated November 2018; Planning Statement dated November 2018; Built Heritage Statement dated November 2018; Letter dated 14 May 2019 from Anstey Home; Terrace Vs Neighbouring building Rev B; Existing Vs Proposed Rev B

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

- 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

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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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of a detailed elevation of and a sample of the new 'look a like' spandrel panels'. 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 and samples. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must not use the roof of the building for sitting out or for any other purpose with the exception of the areas to the south and east marked as roof terrace. The areas of roof marked "access to terrace for maintenance and window cleaning only" on drawing (PA)020RevP9 cannot be used for sitting out purposes. You can however use the roof to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 6 The panels that you put in the west and north elevations of the extension annotated in drawing (PA)020Rev9 as "Look-a-like spandrel panels in white slim line frame" must not be clear, and you must fix it permanently shut. You must apply to us for approval of a sample of the panels (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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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.
- 2 **HIGHWAYS LICENSING:**
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.

CONSIDERATE CONSTRUCTORS:

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 or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

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>