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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 October 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Hyde Park	
Subject of Report	19 Southwick Street, London, W2 2PR		
Proposal	Installation of French doors at rear ground level.		
Agent	Mr Rob Nursey		
On behalf of	Mr C Powell		
Registered Number	19/04764/FULL	Date amended/ completed	19 June 2019
Date Application Received	19 June 2019		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to a residential flat situated on the ground floor of a residential building known as 'Devonport', an unlisted, post-war block located within the Bayswater Conservation Area. Planning permission is sought for the replacement of the existing windows with French doors to the rear of the property, which would serve to allow access to the communal gardens within Devonport.

Objections have been received from a number of residents relating to the potential noise and amenity impacts that may result from allowing direct access onto the communal gardens, which is the key issue in this case.

Despite the objections raised, and subject to the recommended conditions as set out in the draft decision letter, it is considered that the proposed development is acceptable in amenity terms, as well as design terms and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 ('the UDP') and Westminster's City Plan adopted in November 2016 ('the City Plan'). As such, the application is recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Existing front elevation



Existing rear elevation



Rear fenestration of application site 19 Southwick Street (right) compared to 21 Southwick Street (left)



Communal gardens of Devonport

5. CONSULTATIONS

WARD COUNCILLORS FOR HYDE PARK:

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 129

Total No. of replies: 2

No. of objections: 1

No. in support: 0

1 letter of objection received on behalf of 20 residents in Devonport, Southwick Street and Southwick Street.

Amenity:

- Potential noise affecting residents of the block.

Other issues:

- The alteration is not permitted under the lease of the property.
- Freeholder has not been notified.
- Granting approval would create precedent for other residents to do the same.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

19 Southwick Street is a residential flat located on the ground floor of 'Devonport', a post-war seven-storey residential block located within the Hyde Park Estate. Devonport is unlisted but is located within the Bayswater Conservation Area.

6.2 Recent Relevant History

19/02147/FULL

Installation of french doors at rear ground floor level.

Application Permitted 8 May 2019

The current proposals are exactly the same as those previously granted permission in May 2019, however, further to the issuing of the decision notice it was discovered that the incorrect certificate had been served with the application, and as such, the permission is considered invalid, hence the submission of this application. It should be noted that the application earlier in 2019 received no objections.

7. THE PROPOSAL

Planning permission is being sought for the replacement of the existing windows to the rear of the property with French doors, which would serve to allow access to the communal gardens within Devonport. The detailed design of the fenestration includes French doors to the left and two windows to the right.

The proposal is identical to the previously approved application dated May 2019.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There are no land use considerations relevant to this application.

8.2 Townscape and Design

Alterations to the appearance of properties in conservation areas must be found to be in accordance with policies DES 5 and DES 9 of the UDP, as well as policy S28 of the City Plan. Policy DES 5 states that alterations must not visually dominate the appearance of the building, be in scale with the host building and its immediate surroundings, reflect the style and design of the existing building as well as use external materials that are consistent with the existing building. Policy DES 9 requires such alterations to either preserve or enhance the quality of the relevant conservation area.

On the rear elevation of the application site there exists a three-panelled window to the left and to the right a two-panelled window. These are proposed to be replaced with French doors to the left and two windows to the right. The doors and windows are proposed to be aluminium framed and finished in white.

Further to a site visit, it was noted that the neighbouring property 21 Southwick Street has a similar arrangement of windows and doors leading into the communal garden (as can be seen from the photographs). The installation of these doors do not benefit from planning permission, however has been investigated by the City Councils' enforcement department and are considered immune from enforcement action as they were installed in mid 2014.

It is considered that as the alterations are confined to the rear of the property and cannot be seen from the public highway and that the new window and doors are similar to those on the existing building in terms of design and materials, that the proposals are acceptable in conservation and design terms. The proposals are in accordance with policies DES 5 and DES 9 of the UDP, as well as policy S28 of the City Plan.

8.3 Residential Amenity

Alterations that could have an impact on the amenity of nearby neighbours must be found to be in accordance with policy ENV 13 of the UDP. This policy requires new features to not result in a loss of natural light, or cause overshadowing felt by neighbouring properties.

This policy also resists new features that would result in any harm to their privacy. Policy S29 of the City Plan similarly seeks to protect residential amenity.

The proposed introduction of French doors to the rear elevation would enable residents of the application site to directly access the communal courtyard of Devonport. Following a site visit, it was established that the courtyard is a private garden for use only by the residents of Devonport, and access is gained through the main entrance of the building either by using a residents' key fob or controlled by security at the front desk. As such, the introduction of French doors does not necessarily change the level of access to the communal gardens as residents of the application site would have had access to the gardens originally.

Objections were received from a number of residents within Devonport with regards to the potential noise impacts from allowing residents greater access to the gardens, whereby the residents of the application site may leave the doors open and sit outside in the garden. This is particularly considering that, according to the objectors, residents are not permitted to make noise in the garden after 6:30pm and use the garden after 8pm.

The proposed doors lead onto a small ledge/ area of brickwork measuring approximately 600mm in depth, which may not be sufficiently wide for a person to sit out on. In any case, if there are leaseholder rules that govern noise within the complex then irrespective of the way through which the courtyard is accessed, the residents would have to abide by these rules and such impacts would be controlled through the management of the block, rather than through a planning permission. It is considered that if the residents had wanted to sit out on the ledge previously, they still could have utilised this space regardless of whether this space was accessed through French doors or not.

It is considered that the proposed alterations would only change the means of access to the garden rather than opening up access to an area that was previously not accessible. As such it is not considered that there is a significant loss of amenity to neighbouring properties, taking into account that residents still have to abide by the same rules governing the use of the communal garden. As such the proposal is acceptable in amenity terms and in accordance with policies ENV 13 of the UDP and S29 of the City Plan.

8.4 Transportation/Parking

There are no transport or parking considerations relevant to this application.

8.5 Access

There are no access considerations relevant to this application.

8.6 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.

8.7 Neighbourhood Plans

There are no neighbourhood plans for this location.

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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

8.10 Other Issues

Objections are raised on the basis that the property is not owner-occupied and the rental tenants do not respect the rules of the block. The occupation status of the occupation of the property is not a planning consideration.

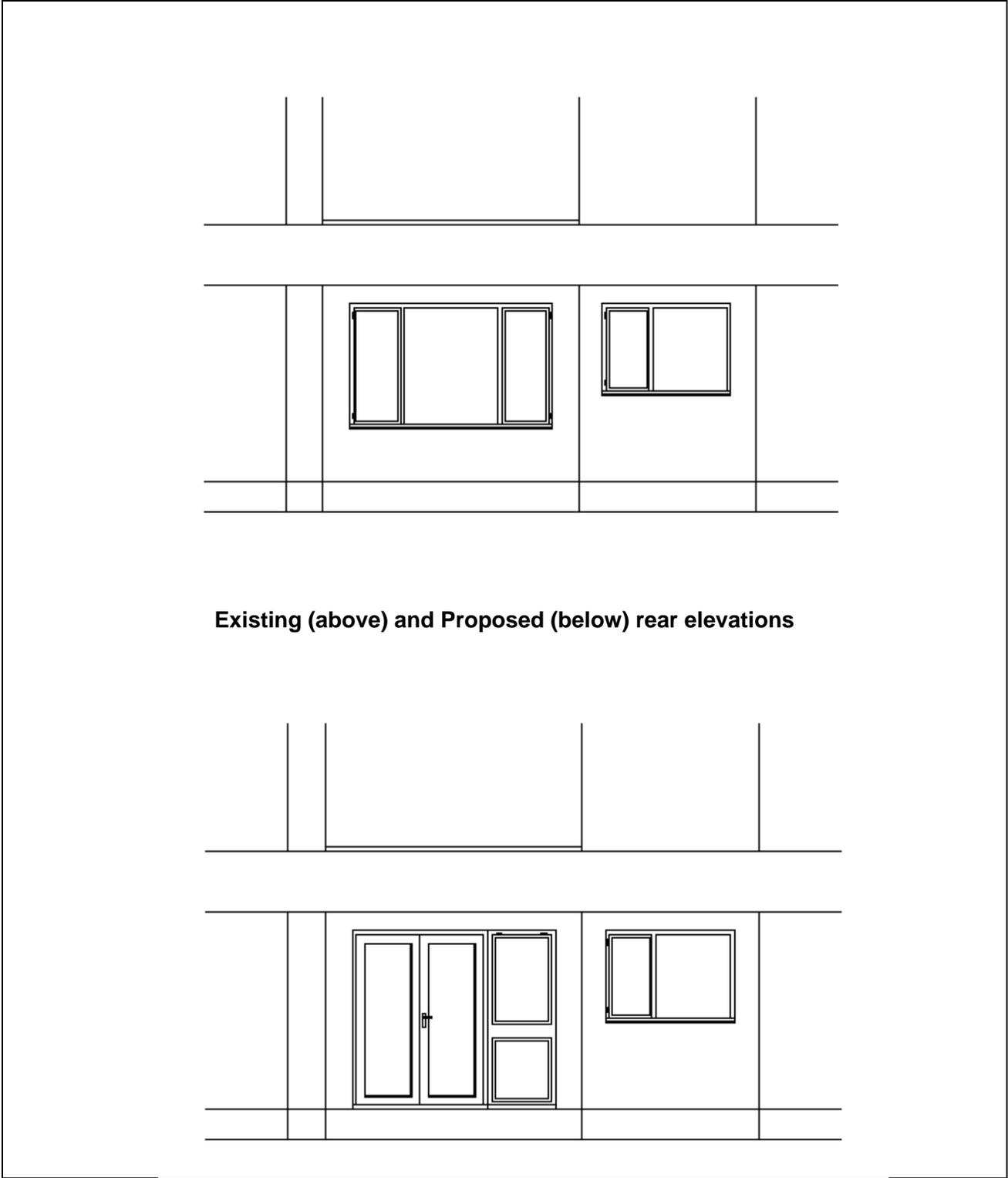
Objectors considered that in granting this planning permission, this will set a precedent for other flat owners to apply and do the same, whereby noise in the garden would create significant amenity impacts on residents in the block. Each application is to be assessed on its own merits and a case-by-case basis.

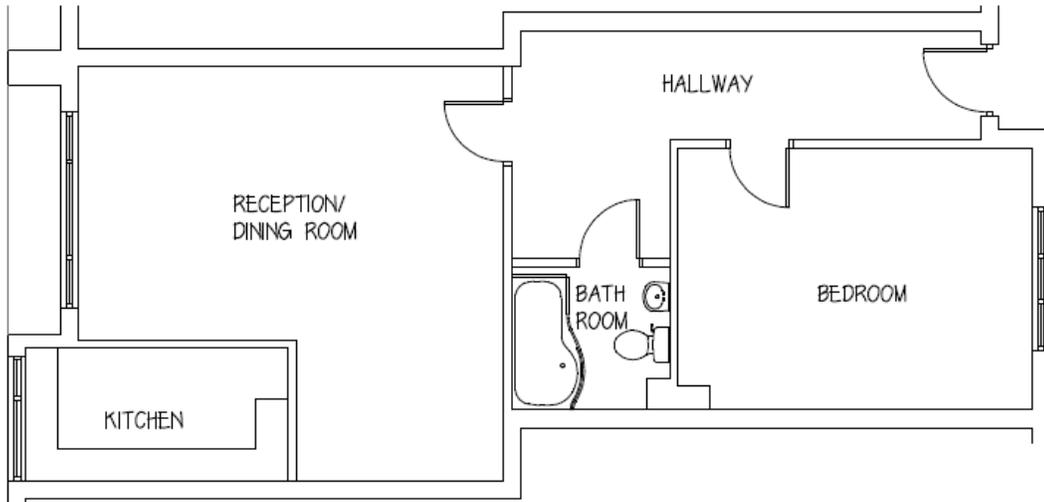
Concerns have been raised that such alterations are not permitted under the lease of the property. Whilst the applicant should only carry out the alterations only with the permission of the freeholder, this is a private matter does not form part of the planning decision.

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

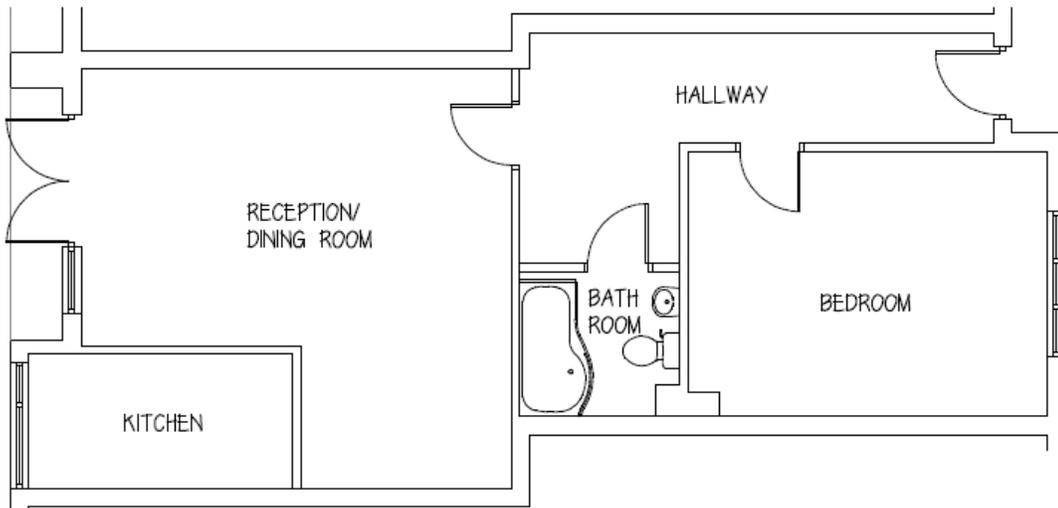
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk
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9. KEY DRAWINGS





Existing (above) and Proposed (below) floor plans



DRAFT DECISION LETTER

Address: 19 Southwick Street, London, W2 2PR

Proposal: Installation of french doors at rear ground level.

Reference: 19/04764/FULL

Plan Nos: L2616/LP Rev. A; L2616/01; L2616/05; L2616/06

Case Officer: Fergus Wong

Direct Tel. No. 020 7641 1052

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 Bayswater 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 French doors and side light shall be formed of aluminium finished in white.

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 Bayswater 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)

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>

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.