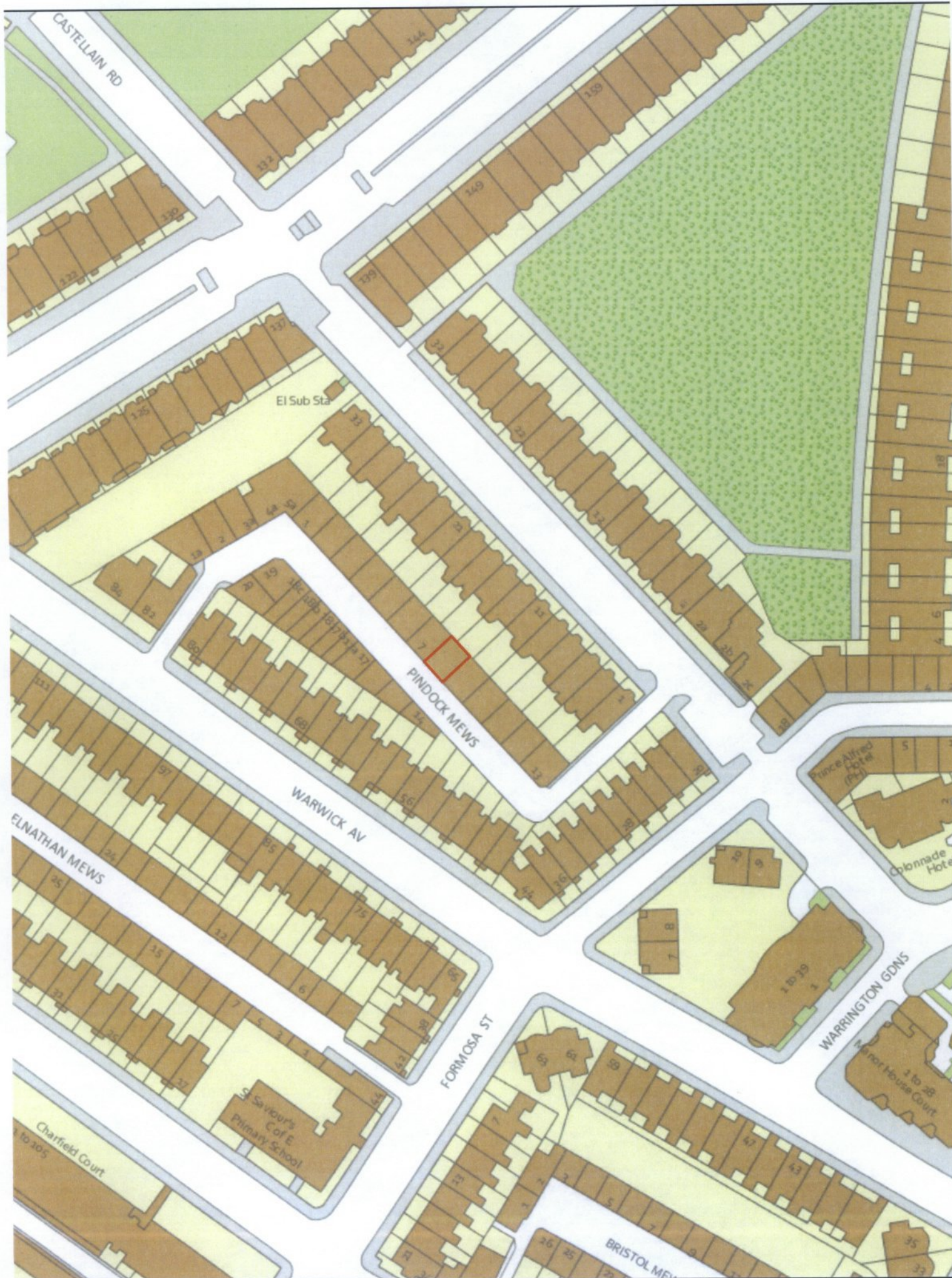


CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 March 2015	Classification For General Release	
Report of Operational Director Development Planning		Wards involved Little Venice	
Subject of Report	8 Pindock Mews, London, W9 2PY		
Proposal	Basement extension and replacement of garage door with window in connection with the conversion of the garage to living accommodation. Installation of rooflight.		
Agent	Mr Jeremy Butterworth		
On behalf of	Mr Rahul Patkar		
Registered Number	14/07310/FULL	TP / PP No	TP/20334
Date of Application	24.07.2014	Date amended/ completed	10.12.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





8 PINDOCK MEWS, W9

2. SUMMARY

The application site is a three storey dwellinghouse within the Maida Vale Conservation Area. Planning permission is sought for the excavation of a new basement storey beneath the existing footprint of the building, and changes to the front elevation of the building to facilitate the conversion of the existing garage to habitable living space.

The key issues in this case are:

- Whether the changes to the front elevation are acceptable given the character of the mews and the surrounding conservation area;
- Whether the principle of the basement excavation is acceptable.

The proposed development is considered to comply with the relevant policies in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP). As such, it is recommended that planning permission is granted subject to the conditions set out in the draft decision letter.

3. CONSULTATIONS

KAREN BUCK MP

Enclosed correspondence from constituents regarding concern about impact of construction works on local residents and regarding the replacement of a door with a window.

COUNCILLOR CAPLAN

Written emphasising importance of Construction Management Statement in determination of application.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Concern about loss of off street parking and loss of garage door which will alter streetscape.

Second consultation undertaken on 19 February 2015 - Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Objection on grounds that there is no means of escape.

HIGHWAYS PLANNING MANAGER

Objection on the grounds that proposal would result in the loss of off street parking.

BUILDING CONTROL

Layout does not comply with fire safety requirements. Structural method statement is acceptable (email 21 November).

ARBORICULTURAL MANAGER

Any response to be reported verbally.

THAMES WATER

Comments relating to waste and surface water drainage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 25; Total No. of Replies: 10.

Objections received on the following grounds:

Design

- Principle of basement excavation inappropriate for mews environment.

- Objection to the loss of the garage door and replacement with a window, being considered out of character with the remainder of the mews.
- Impact on cobbled street with excavation of basement area.

Transportation Issues

- Impact of loss of garage on demand for parking spaces in vicinity of property.

Construction Impact

- Concern about impact of building works including additional noise generated through building works.
- No detail submitted of noise protection measures through building works.
- Health and safety considerations relating to basement excavation and construction works.
- Concern about loss of highway during construction works.
- Concern that Construction Management Plan does not adequately show how waste is to be moved in and out of the site during building works.
- Insufficient detail on construction works.
- Concerns about emergency vehicle access, and access for refuse and recycling vehicles, delivery vehicles during construction phase.
- Access to neighbouring properties during construction works and pedestrian protection.
- Insufficient detail of vehicular movements in and out of the mews.
- No flood risk assessment prepared by applicant.
- Risk of flooding and disruption to water table.

Further consultation taken place on 19 February 2014 - Any further responses to be reported verbally.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site is an unlisted mid-terrace mews building, located along Pindock Mews within the Maida Vale Conservation Area. Pindock Mews is a characteristic example of a traditional mews located between Castellain Road and Warwick Avenue, accessed from two narrow entrances from either road.

4.2 Relevant History

The existing building was converted to a residential dwelling following planning permission granted in 1989. A further planning application was granted the same year to permit the current arrangement of dormer windows in the roof.

5. THE PROPOSAL

Planning permission is sought for the excavation of a new basement storey beneath the existing footprint of the building to enlarge the amount of habitable residential accommodation within the building. To facilitate the conversion of the existing garage to habitable living accommodation, changes are also proposed to the front elevation of the building, involving the replacement of the existing garage door with a window.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal will result in an increase in the amount of habitable living accommodation within the mews building. Such works are consistent with the City Council's policies on encouraging residential extensions, as set out in Policy S14 of the City Plan and Policy H3 of the UDP.

6.2 Townscape and Design

A number of objections are raised regarding the loss of the garage door, which is considered to typify the character of the mews in which the building is located. Following advice from officers, the applicant has now amended the plans to show a traditional window and folding door in line with guidance set out in the Supplementary Planning Guidance note on Mews. The existing garage door has a modern design and the replacement window, whilst losing the function of a garage, is considered to compliment the character of the surrounding mews.

The basement is to be constructed entirely beneath the footprint of the existing building. It does not have any external manifestations, and would not have any impact on the surrounding streetscene. It is therefore considered acceptable in principle in design terms.

The applicant proposes to install a rooflight on the roof of an existing rear dormer. This would not harm the appearance of the building and would only be visible in very limited private views. It is not contentious in design terms.

The proposed development accords with Policies S25 and S28 in the City Plan and Policies DES1, DES5 and DES9 in the UDP, and the City Council's Supplementary Planning Guidance on Mews. Given that the building has an established use as a single family dwelling, all the works proposed in this application are considered to fall within the parameters of 'Permitted Development'.

6.3 Amenity

The only above ground manifestation of the proposed development would be the new window on the front elevation. This would not have any adverse effect on the amenity of surrounding residents.

Environmental Health express concern that mechanical ventilation may be necessary for the new basement accommodation. The fact that such ventilation is not shown on the plans however, does not constitute a reasonable ground to withhold planning permission in itself. An Informative has been added to the decision notice advising the applicant that, should mechanical ventilation be proposed, planning permission may be required.

The proposal is considered to be acceptable in amenity terms and accords with Policy S29 in the City Plan and Policies ENV6 and ENV13 in the UDP.

6.4 Highways/Parking Issues

The Highways Planning Manager has objected to the proposal on the grounds that it would result in the loss of an off street parking space. It has, however, been established that the original planning permission that permitted the existing garage does not have a condition requiring the retention of the garage space for the purposes of off street parking. As such, the conversion of the existing garage to habitable living accommodation, whilst regrettable, could be undertaken under permitted development rights set out by Central Government in the

General Permitted Development Order 1995. For these reasons it would not be reasonable to refuse the application on the grounds of the loss of the existing off street parking.

The proposal otherwise relates to internal alterations that do not raise highways issues.

6.5 Equalities and Diversities (including Access)

Not relevant to this application.

6.6 Economic Considerations

Not relevant.

6.7 Other UDP/Westminster Policy Considerations

None relevant.

6.8 London Plan

The proposals do not raise strategic issues.

6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

The scheme is of insufficient scale to require planning obligations.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The new basement accommodation is to be constructed immediately beneath the footprint of the existing building, and in light of this it is not considered likely to have an impact on the rooting environment of surrounding trees within the vicinity of the site.

6.12 Other Issues

6.12.1 Basement Excavation

A number of objections relate to the principle of a basement excavation in this location. However, under the current legislative framework set out by Central Government, a basement excavation that falls directly under the footprint of an existing building, as with the proposal now under consideration, can be carried out under Permitted Development rights. The Council does not currently have a specific planning policy relating to basement development but is working with local residents to develop one in revising our adopted City Plan to incorporate detailed policy. Until this plan has been adopted, the Supplementary Planning Document 'Basement Development in Westminster', adopted 24 October 2014 is relevant and has been taken into account in the assessment of this planning application.

Objections from neighbouring residents relate to concerns about the impact of the proposed basement in terms of drainage impact, structural stability and as a result of noise and disturbance from construction works. Indeed, the impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the 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 March 2012 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.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report 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 such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site,

existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation 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.

Building Control have assessed the report and consider that the proposed construction methodology appears satisfactory. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, as cited above. To go further would be to act beyond the bounds of planning control.

6.12.2 Construction Management

Objections have been raised regarding the impact of building works in terms of dust, noise and disruption to the public highway. In response to these concerns, it is recommended that the standard conditions are imposed to restrict the hours of construction works, particularly noisy works of excavation.

The applicant has submitted a draft Construction Management Plan. This sets out general information about traffic management relating to the excavation works, and some detail of the construction programme. It demonstrates that thought has been put in to how the development is to be undertaken although some detail, such as a 24 hour emergency number, has not been provided at this stage. Objectors have raised a number of comments regarding the process through which construction is to be undertaken, drawing attention to the limited detail set out in the draft report.

The concerns raised by residents are understandable given the constraints of the site: there is no pavement, the properties open out onto the street and the access points to the main mews (from Castellain Road and Warwick Avenue) are narrow. There is clearly, however, sufficient highway width to accommodate the type of building works that are necessary to support a basement excavation project of this nature, and indeed excavations have taken place on significantly more constrained sites within other parts of the City. It would not be reasonable to refuse planning permission on the grounds of inadequate detail being provided in the draft Construction Management Plan at this stage. Furthermore, many of the points of understandable concern expressed by residents, such as of construction traffic blocking the highway, are matters that technically fall outside the scope of planning control.

It is recommended that an updated and more detailed Construction Management Plan, meeting the terms of the City Council's standard condition, is submitted prior to the commencement of works. This is considered to be as far as the City Council can realistically take this matter within the current legislative framework.

6.13 Conclusion

In summary, the proposed development is considered to be acceptable in land use, conservation and design, residential amenity and environmental terms and would accord with the relevant policies in the City Plan and UDP. As such, the application is recommended for conditional approval.

BACKGROUND PAPERS

1. Application form
2. Correspondence with Karen Buck MP dated 28 November 2014
3. Correspondence with Councillor Melvyn Caplan dated 6 December 2014
4. Undated memo from Paddington Waterways and Maida Vale Society.
5. Memorandum from Environmental Health dated 4 November 2014.
6. Memorandum from Highways Planning Manager dated 13 November 2014
7. Memorandum from Building Control dated 19 January 2014.
8. Memorandum from Building Control dated 13 November 2014.
9. Consultation from Thames Water dated 13 November 2014.
10. Email from Tom Spreutels dated 9 November 2014.
11. Email from neighbour dated 12 November 2014.
12. Email from neighbour dated 12 November 2014.
13. Email from neighbour dated 12 November 2014.
14. Email from neighbour dated 12 November 2014.
15. Email from neighbour dated 14 November 2014.
16. Email from neighbour dated 16 November 2014.
17. Letter from occupier, 1 Pindock Mews dated 16 November 2014.
18. Email from occupier, 4a Pindock Mew, dated 20 November 2014.
19. Email from occupier, 17 Pindock Mews dated 24 November 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 8 Pindock Mews, London, W9 2PY
- Proposal:** Basement extension and replacement of garage door with window in connection with the conversion of the garage to living accommodation. Installation of rooflight.
- Plan Nos:** Site Location Plan, 140610-101, 140610-102, 140610-103, 140610-104 rev 02, 140610 rev 02, 140610-106, 140610-106A. Letter dated 25 July 2014 from J Butterworth Planning and Development, Construction Management Plan by Cavlow Construction. For information only: Structural Methodology Statement by Ecos Maclean.
- Case Officer:** Neil Holdsworth **Direct Tel. No.** 020 7641 5018

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 basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 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 Maida Vale Conservation Area. This is as set out

in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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)

3

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.

- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

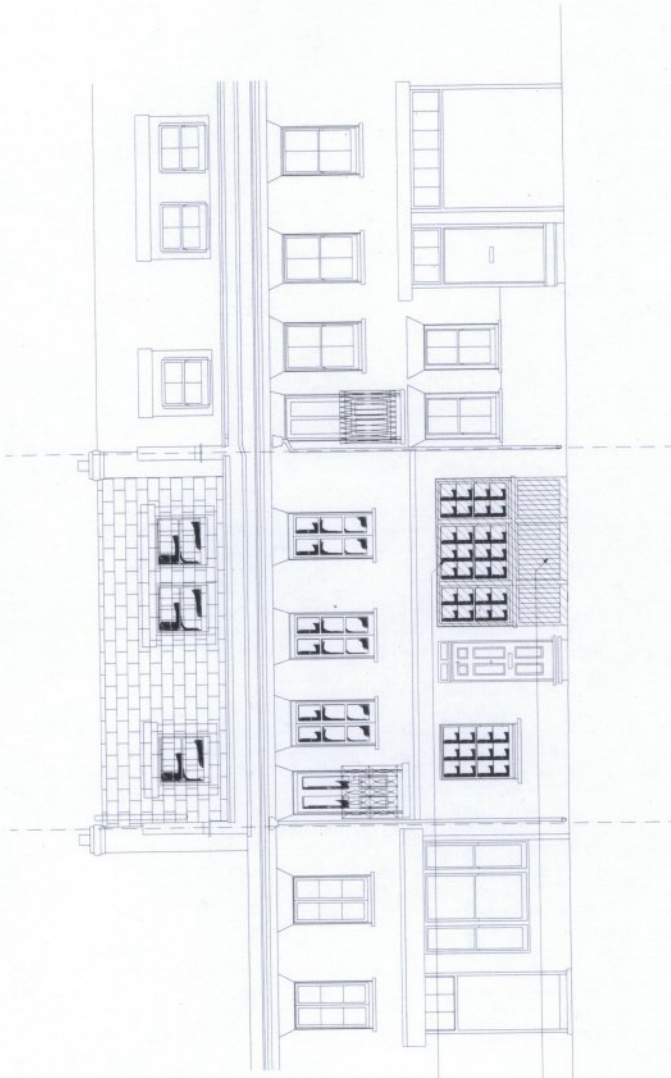
Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. 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.
- 6 This planning permission does not specifically authorise mechanical ventilation to be installed in the new basement accommodation. Should you wish to install mechanical ventilation facilities, planning permission may be required.



Painted white timber tripartite sash window to suit existing style.

Painted white timber panel infill forming a screen together with sash windows above to suit existing opening for previous garage doors.

1 Proposed Elevation

KEY
 [Symbol] WHITE PAINT
 [Symbol] UNPAINTED



Scale Bar

Drawing to be read in conjunction with all relevant information from Architects, Structural Engineers and Consultants.

Do not scale from this drawing. All dimensions to be checked on site before commencement of works. Discrepancies, where identified, must be reported to the Design Team immediately. Areas, quantities and dimensions are given as approximate and are only for guidance.

General Notes

REV	DATE	COMMENT
02	09/02/15	Issued for Approval
01	28/02/15	Issued for Approval
00	08/07/14	Issued for Approval

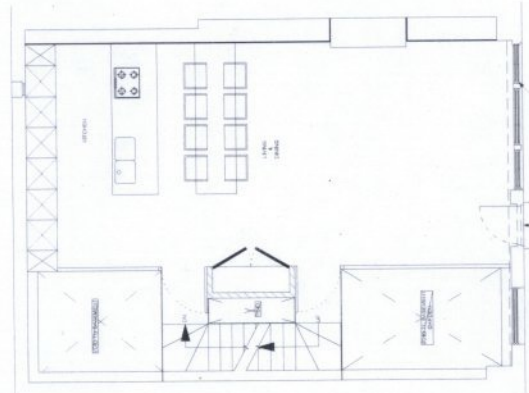
Preliminary
 As Built
 For Information

For Approval
 For Tender
 For Construction

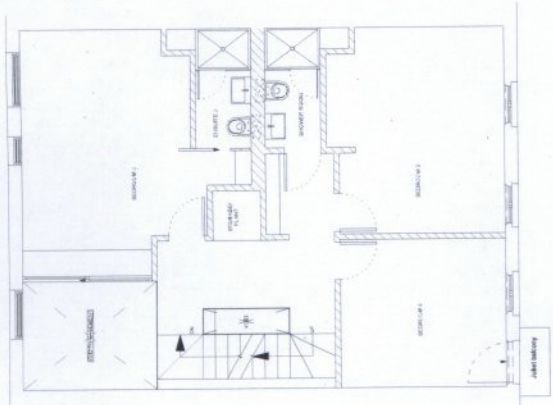
PROJECT TITLE
 DRAWING TITLE
 SCALE

8 FINDOCK MENS
 PROPOSED ELEVATIONS
 1:100 @ A3

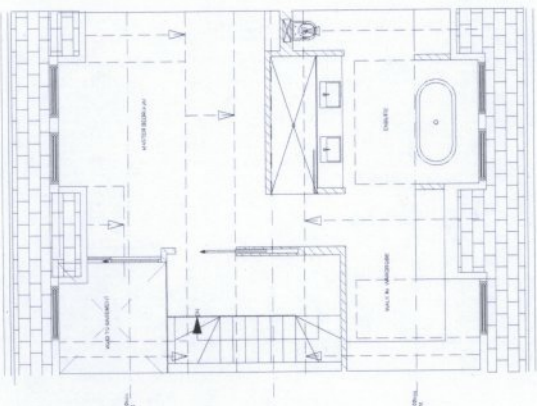
REV: 02 DWG NO: 140610-105



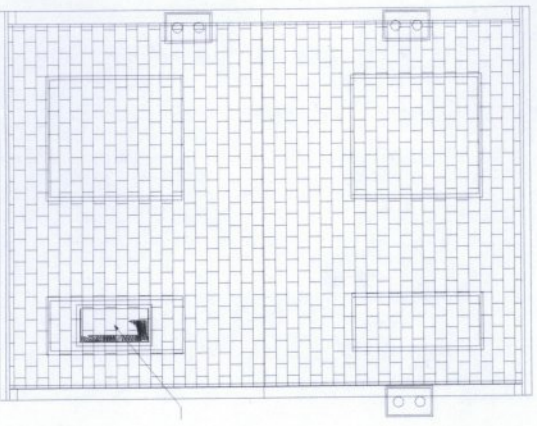
1 Proposed Ground Floor Plan



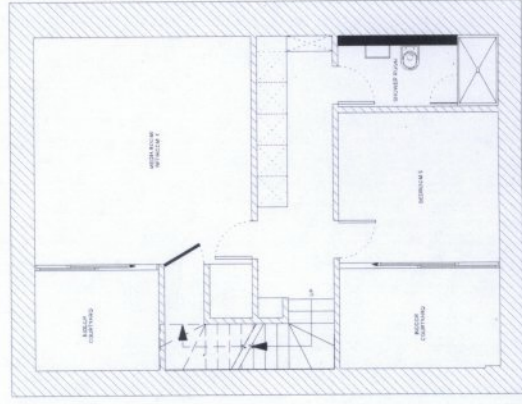
2 Proposed First Floor Plan



3 Proposed Second Floor Plan



4 Proposed Roof Plan



5 Proposed Basement Floor Plan



KEY
 EXISTING WALLS
 PROPOSED WALLS

Drawing to be read in conjunction with all relevant information from Architects, Structural Engineers and Consultants.

Do not scale from this drawing. All dimensions to be checked on site before commencement of works. Dimensions where identified must be reported to the Design Team immediately (Areas, distances and dimensions are given as approximate and are only for guidance).

General Notes

REV	DATE	COMMENT
02	09/02/25	Issued for Approval
01	20/07/24	Issued for Approval
00	08/07/24	Issued for Approval

Preliminary For Information
 For Approval For Construction
 For Build For Construction

PROJECT TITLE: 8 FINDOCK MEWS
 DRAWING TITLE: PROPOSED PLANS
 SCALE: 1:100 @ A3

REV: 02 DWG NO: 140610-104