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PLANNING APPLICATIONS	Date	Classification	ssification	
COMMITTEE	10 March 2015 For General Release		elease	
Report of	Wards involv		red	
Operational Director Developm	ent Planning	ning Little Venice		
Subject of Report	10 Warwick Avenue, London, W2 1XB			
Proposal	Excavation of basement extension below front garden, installation of glazed roof over lightwell, demolition and replacement of front garden boundary walls and railings, removal of two trees and planting of one replacement tree in front garden.			
Agent	fourfoursixsix			
On behalf of	Mr Michael Secretan			
Registered Number	14/11766/FULL 14/11767/LBC	TP / PP No	TP/21843	
Date of Application	27.11.2014	Date amended/ completed	27.11.2014	
Category of Application	Minor			
Historic Building Grade	Grade II Listed Building			
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

Refuse permission and listed building consent – adverse impact on listed building, design and trees.





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2. SUMMARY

The application site is a two storey semi-detached Grade II listed building located on the eastern side of Warwick Avenue within the Maida Vale Conservation Area.

Planning permission is sought for the excavation below the front garden area of this listed building to create a basement extension. The proposal involves the roofing over of a front lightwell, the introduction of a stone balustrade within the front garden and the removal of a tree.

The main issues for consideration are:

- The impact of the proposal on the special architectural and historic interest of this Grade II listed building and the setting of neighbouring listed buildings.
- The impact of the proposal on the character and appearance of this part of the Maida Vale Conservation Area.
- The impact of the proposal on the amenities of neighbouring properties.
- The impact of the proposal in highways and parking terms.
- The impact of the proposal on trees.

Objections are raised to the roofing over of the lightwell and installation of a balustrade within the front garden, both of which would be alien features that obscure and detract from important features of the host listed building. Further concerns arise over the loss of a tree within the front garden with insufficient soil volume proposed for its replacement and the applications are recommended for refusal on these grounds.

3. CONSULTATIONS

COUNCILLOR CAPLAN

Requested the applications be heard at a Planning Applications Committee.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Objected to the scheme. Raised concerns that the loss of the lightwell detracted from the appearance of the property and resulted in loss of run off. Also stated the loss of trees was unacceptable and the proposed replacement inadequate. Suggested railings should be consistent with other railings in the area.

BUILDING CONTROL

Any response will be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to conditions to control hours of building works.

HIGHWAYS PLANNING MANAGER

No objection.

ARBORICULTURAL MANAGER

Objected to the scheme on the basis of insufficient soil depth being retained over the basement. Suggested concerns over location of replacement trees could be dealt with by condition.

THAMES WATER

Offered advice on requirements for the application.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 15; Total No. of Replies: 1.

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One letter of objection was received from Park Place Amenity, who agreed with comments made by Paddington Waterways and Maida Vale Society insofar as they expressed concerns with the impact of the proposal on the character of the area.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site is a two storey semi-detached dwelling located on the eastern side of Warwick Avenue. The property is not subject to any Article 4 directions but is located within the Maida Vale Conservation Area and is a Grade II listed building.

4.2 Relevant History

There have been a number of applications for works to the front of the property. Planning permission was refused in March 2012 for the following development:

'Demolition of retaining wall and concrete stair and excavation of front garden and construction of basement extension (RNs: 11/12252/FULL and 11/12253/LBC)'.

The reasons for refusal given related to the infilling of the lightwell associated with the scheme, obscuring important features of the listed building and eroding the symmetry to the front of the site. Additional concerns were raised over the lack of detail given for the proposed alterations to the front boundary wall.

Subsequent applications for a front basement extension were approved in 2013 (RNs 12/09575/LBC and 12/09574/FULL). These applications retained the front lightwell, albeit with alterations to the staircase, with the extension infilling space under the front garden around the lightwell.

The most recent applications submitted prior to the current proposal (RNs 14/02400/FULL and 14/02401/LBC) proposed alterations similar to the scheme approved in 2013, but the lightwell was covered by a glazed roof to incorporate the lightwell into the basement level as a habitable room. These applications were refused due to the glazing over of the lightwell, removing an important feature of the host listed building. A further reason for refusal given was the lack of room and soil depth for a replacement tree to be planted on the site.

5. THE PROPOSAL

The applicant proposes to excavate under the front garden area on the property to create an extended basement level of accommodation. The proposal involves erecting a glazed rooflight over an existing lightwell in the front garden area and the creation of an opening between the lightwell and basement similar to the scheme refused in 2014 (14/02400/FULL and 14/02401/LBC). The departure from the refused application being the introduction of a stone balustrade within the front garden area with a view to screening the alterations.

6. DETAILED CONSIDERATIONS

6.1 Land Use

There are no objections in land use terms to this small increase in residential floorspace. The scheme would comply with Policies H3 of the adopted Unitary Development Plan (UDP) and S14 of Westminster's City Plan.

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6.2 Townscape and Design

The application site is an extremely sensitive one, being located within the Maida Vale Conservation Area and with the host property being a Grade II listed building. With specific reference to listed buildings, Policy DES 10 of the UDP requires all applications to respect the character of host properties while Policies S28 of the City Plan and DES5 of the UDP seek a high standard of design in all new development. Policy DES 5 goes on to specifically state that objections should be raised where added floorspace is obtained by the roofing over of basement areas.

The proposal is considered to fail to meet the aims and objectives of these policies. The proposed glazed roof over the lightwell will serve to obscure views of a number of key and significant features of this handsome villa, including its pier bases. Additionally, in combination with the roof, the opening between the existing lightwell and basement extension would create an internal through room severely compromising the original plan form of the host property. Features that have traditionally formed the external frontage of the dwelling and an integral part of its setting would be replaced by internal rooms and create an external manifestation of this significant basement extension.

The applicant has pointed towards other rooflights installed in the locale in the hope of justifying the current scheme. It is acknowledged that there are examples of such glazed roofs on neighbouring listed buildings but none appear to have gained planning approval under current policy guidance and as such are looked at as examples of development that should be avoided rather than setting a template for future change. Further examples given related to non listed buildings or proposals where like for like replacements were proposed, none of which are considered sufficient to justify the current proposal.

The applicant has endeavoured to provide additional supporting information for the current application, which raises the same design concerns as the previously refused applications on the site. This involves highlighting screening from hedging to the front of the site and proposing a balustrade to the front of the lightwell offering further screening.

With regards to the screening provided by the hedge, this has been acknowledged within previous schemes. Public views would be restricted as a result of the hedge. However, such a screen may be removed without the benefit of planning permission so it does not guarantee restricted views for the lifetime of the development but also, more importantly, it is not considered acceptable to introduce unsympathetic alterations to buildings on the basis that they would be obscured from public view. To screen the development would not overcome concerns over impact on the heritage value and architectural integrity of the host listed building, with policies and legislation designed to preserve such buildings regardless of whether they are publicly visible.

Further screening is proposed through the installation of a stone balustrade, to match treatment on the adjoining property (8 Warwick Avenue). On the basis of the above, such screening is considered not to overcome concerns raised, with the additional issue that a non original feature would be introduced into the front garden that has the potential to further detract from the frontage of the property. The balustrade on No.8 Warwick Avenue appears to have gained planning approval in 2005, and permission was granted on the basis that it was being relocated from another area of the front garden. As such, the existence of this feature on No.8 Warwick Avenue alone is considered insufficient reason to justify the current scheme. The introduction of this alien feature into the front garden which would, in its own right, have the effect of obscuring some of the original features of frontage of the site and is therefore considered unacceptable.

As has been considered within previous applications, the basement extension to the front of the property, aside from the concerns outlined above, is acceptable in principle. However, due

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to the roofing over the front lightwell and installation of a balustrade, the proposal is considered to detract from the character of the host property and surrounding area and to be contrary to Policies S25 and S28 of Westminster's City Plan and DES 1, DES 5, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our UDP.

6.3 Residential Amenity

The alterations proposed, being primarily at or below ground floor level, are considered not to raise any concerns in terms of impact on neighbours amenities. The changes are not of a scale or location that are likely to impact on light or outlook to neighbouring properties and no concerns in terms of loss of privacy arise over the existing arrangement.

As such, the proposal is considered to comply with Policies ENV 6, ENV 10 and ENV 13 of the UDP and S29 of Westminster's City Plan.

6.4 Transportation / Highways

This proposal raises no transportation issues.

6.5 Equalities and Diversities

Not relevant in the determination of these applications.

6.6 Economic Considerations

Not relevant in the determination of these applications.

6.7 Other Westminster/UDP Policy Considerations

No further policies are relevant to the current applications.

6.8 Central Government Advice/Guidance

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 these applications are considered to be consistent with the NPPF unless stated otherwise.

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6.9 London Plan

This proposal raises no strategic issues.

6.10 Planning Obligations

Not applicable.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

In terms of landscaping proposed, the proposal is similar to previous schemes in plan form, with which no concerns were raised subject to a new tree and soft landscaping to replace the loss of 2two existing trees (a False Acacia and Apple). It has already been agreed as acceptable within the previous approval on the site (ref: RN 12/09574/FULL) for a single replacement tree to be installed in their place.

However, objections have been raised by the Arboricultural Manager with the soil depth retained on the site. Whereas previous proposals have retained a soil depth of 1m to allow for the retention of hedging and the planting of a replacement tree, the depth has now been reduced to 80cm. Objections are raised that this soil depth is not sufficient for replacement planting and landscaping and the proposal is therefore considered to conflict with Policies ENV 4 and ENV 16 of the UDP.

6.12 Other Matters

Excavation of Proposed Basement

The principle of the basement extension has been considered acceptable within three previous applications on the property, with issues arising primarily restricted to the design of the scheme and impact on trees. Since the most recent refusal, the Council has adopted its SPD 'Basement Development in Westminster'. The current scheme, aside from the issues of soil depth raised above, is considered to meet the aims and objectives of the SPD. A Traffic Management Plan and Construction Method Statement have been submitted with the applications and no objections have been raised by local residents on these grounds.

6.13 Conclusion

Because of their design and location, the glazed rooflight over the front lightwell and stone balustrade would obscure and detract from important features of this Grade II listed building. The scheme is therefore considered to detract from the architectural character and integrity of the host property and the appearance of both the host property and surrounding area. In proposing insufficient soil depth the scheme would not be able to provide sufficient replacement planting for the loss of two prominent trees. The scheme would therefore conflict with Policies S25 and S28 of Westminster's City Plan and DES 1, DES 5, DES 9, DES 10 (A), ENV 16 and paras 10.108 to 10.146 of the UDP.

BACKGROUND PAPERS

- 1. Application forms.
- 2. Comments from Paddington Waterways and Maida Vale Society dated 15 January 2015.
- 3. Memorandum from Highways Planning Manager dated 10 December 2014.
- 4. Memorandum from Environmental Health dated 13 January 2015.
- 5. Memorandum from Arboricultural Manager dated 6 January 2015.
- Email from Thames Water dated 18 December 2014.

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- 7. Email from occupier of 24 Maida Avenue W2 dated 30 January 20158. Email from Councillor Melvyn Caplan dated 30 January 2015.

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:

10 Warwick Avenue, London, W2 1XB

Proposal:

Excavation of basement extension below front garden, installation glazed roof over lightwell, demolition and replacement of front garden boundary walls and railings,

removal of two trees and planting of one replacement tree in front garden.

Plan Nos:

Design and Access Statement, Construction Method Statement, Supplementary Report on Conservation, Development and Planning, Heritage Assessment, Letter from Tim George (Tree Services Limited), GA150 rev X, GA151 rev X, GA160 rev X, GA161 rev X, GA162 rev X, GA200, GA201, GA300, GA301 rev X, GA400, GA401, D500 rev X, GA101 rev X, GA120, GA120A, GA121, GA121A, GA130A, GA130,

GA131, GA131A, GA140, GA141, GA100 rev X, V800 and V801.

Case Officer:

Matthew Rees

Direct Tel. No. 020 7641 6248

Recommended Reason(s) for Refusal:

Because of their design and prominent location; the glazed roof over the front lightwell and 1 stone balustrade would harm the character, appearance and architectural integrity of this grade 2 listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Maida Vale Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007

Reason:

Because of the lack of room and soil depth provided above the new basement, the proposal 2 would be incapable of providing a suitable replacement tree and planting, to offset the loss of 2 existing trees and landscaping which is considered to be important to the character and setting of the grade 2 listed building and surrounding Maida Vale Conservation Area. This would not meet ENV16 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

In dealing with this application the City Council has implemented the requirement in the National 1 Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

DRAFT DECISION LETTER

Address:

10 Warwick Avenue, London, W2 1XB

Proposal:

Part removal of an internal wall on the lower ground floor, between the kitchen and hallway; construction of a new room under the front garden and a recessed glazed canopy to the exiting lightwell and removal of two trees and replaced by a new

specimen tree.

Plan Nos:

Design and Access Statement, Construction Method Statement, Supplementary Report on Conservation, Development and Planning, Heritage Assessment, Letter from Tim George (Tree Services Limited), GA150 rev X, GA151 rev X, GA160 rev X, GA161 rev X, GA162 rev X, GA200, GA201, GA300, GA301 rev X, GA400, GA401, D500 rev X, GA101 rev X, GA120, GA120A, GA121, GA121A, GA130A, GA130,

GA131, GA131A, GA140, GA141, GA100 rev X, V800 and V801.

Case Officer:

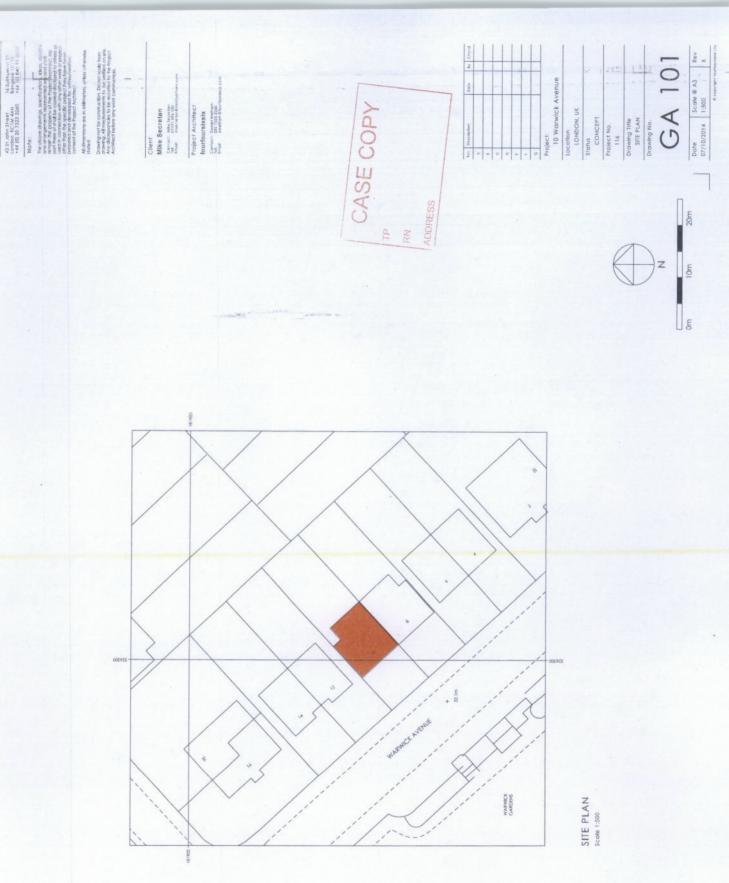
Matthew Rees

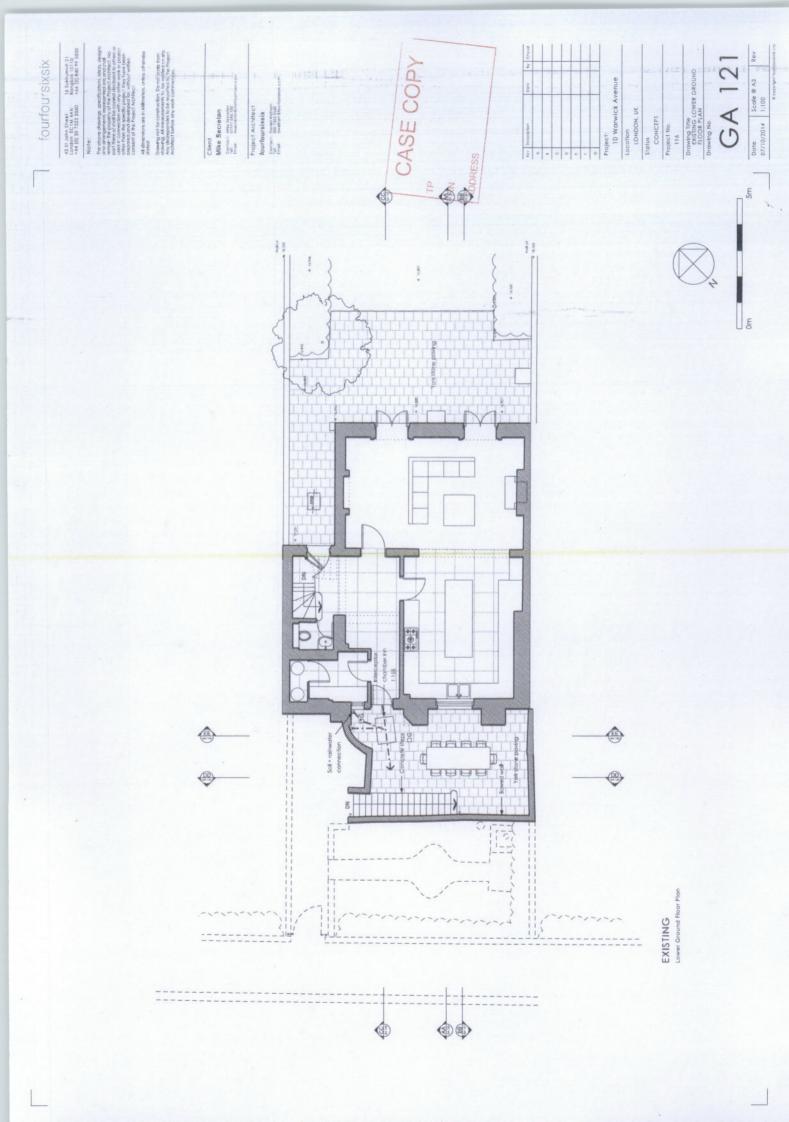
Direct Tel. No. 020 7641 6248

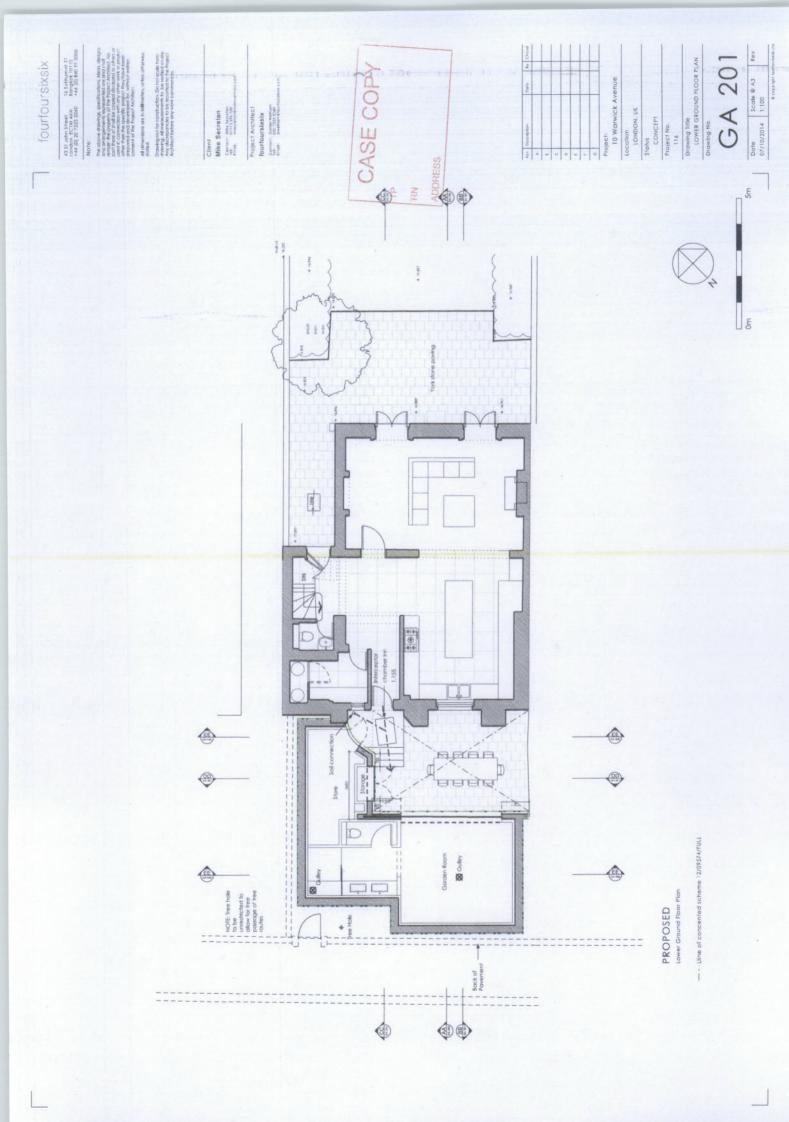
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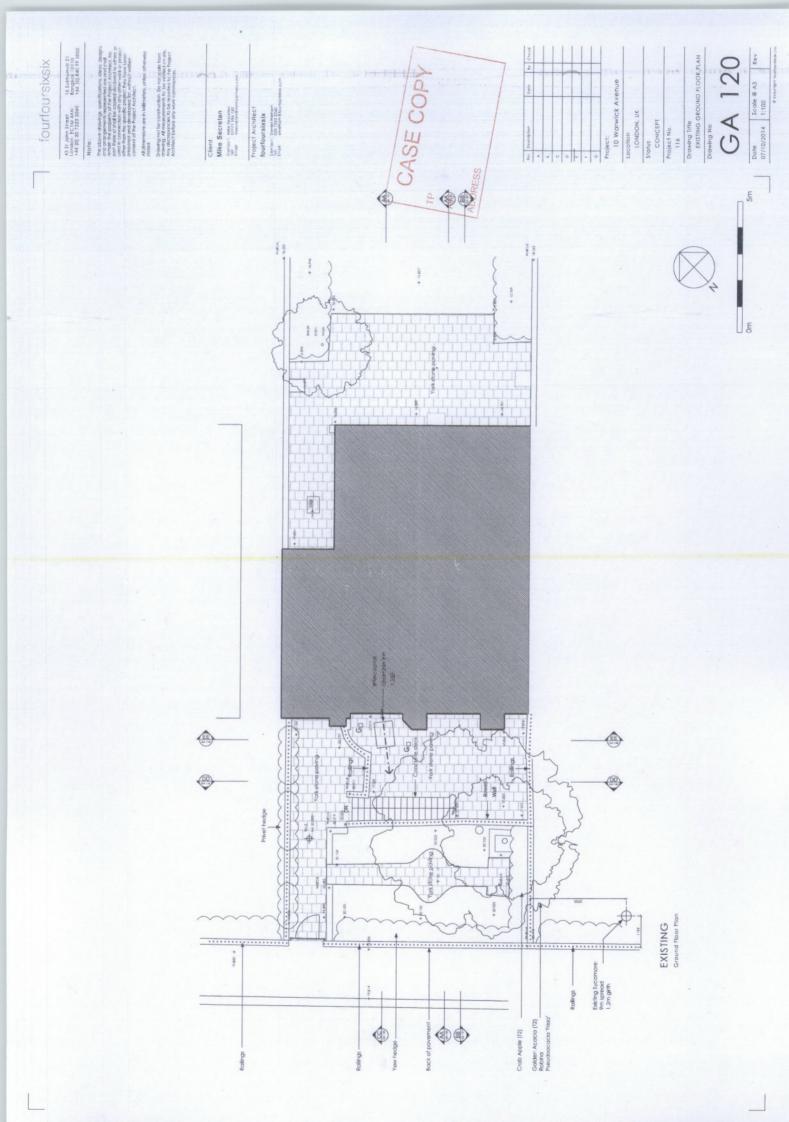
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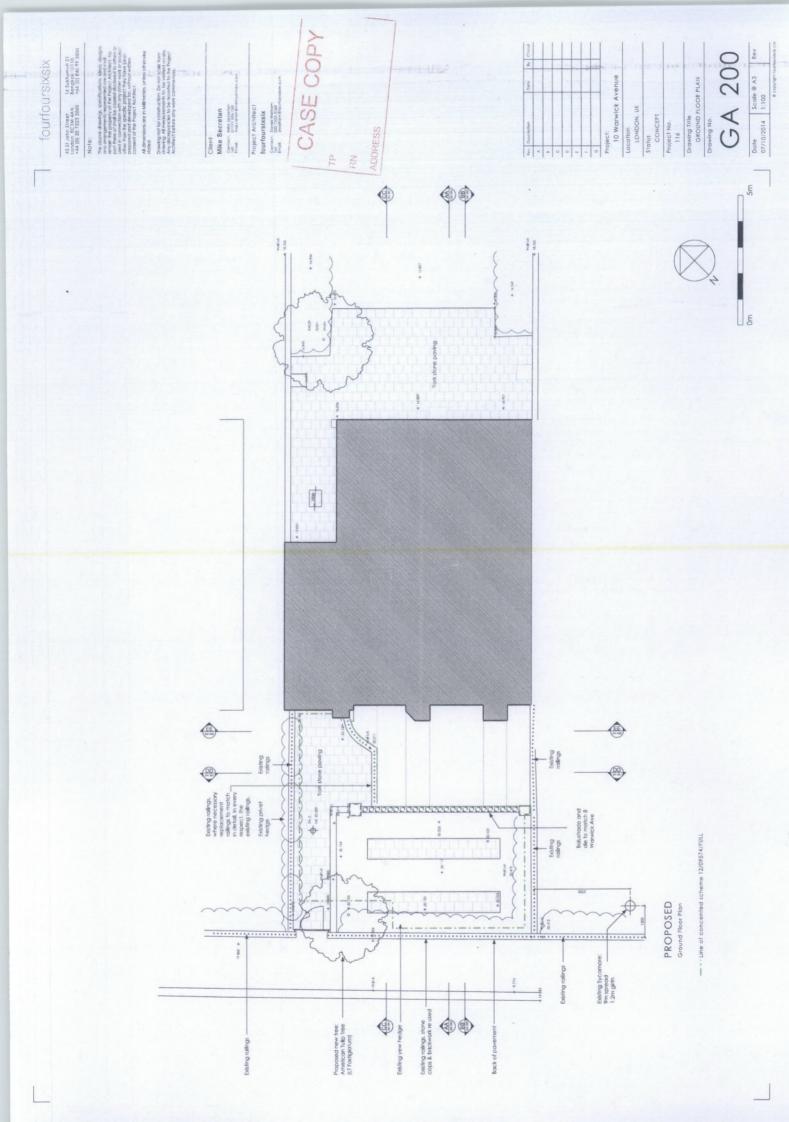
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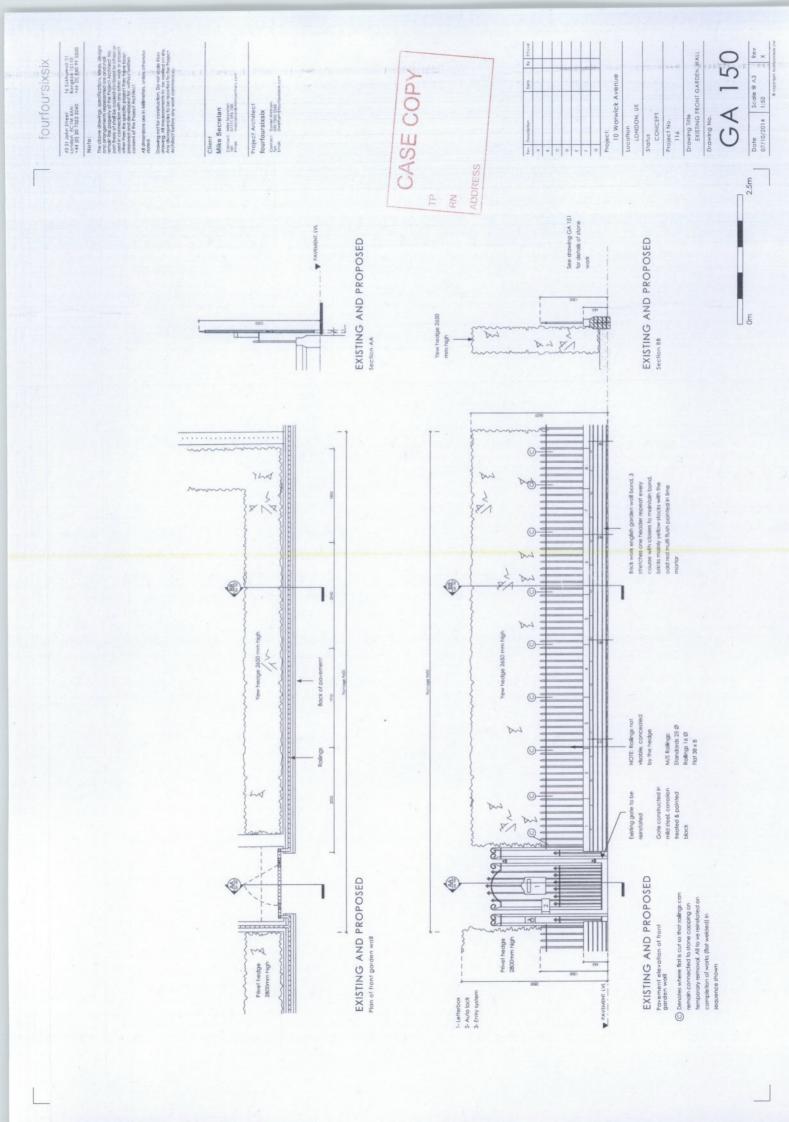












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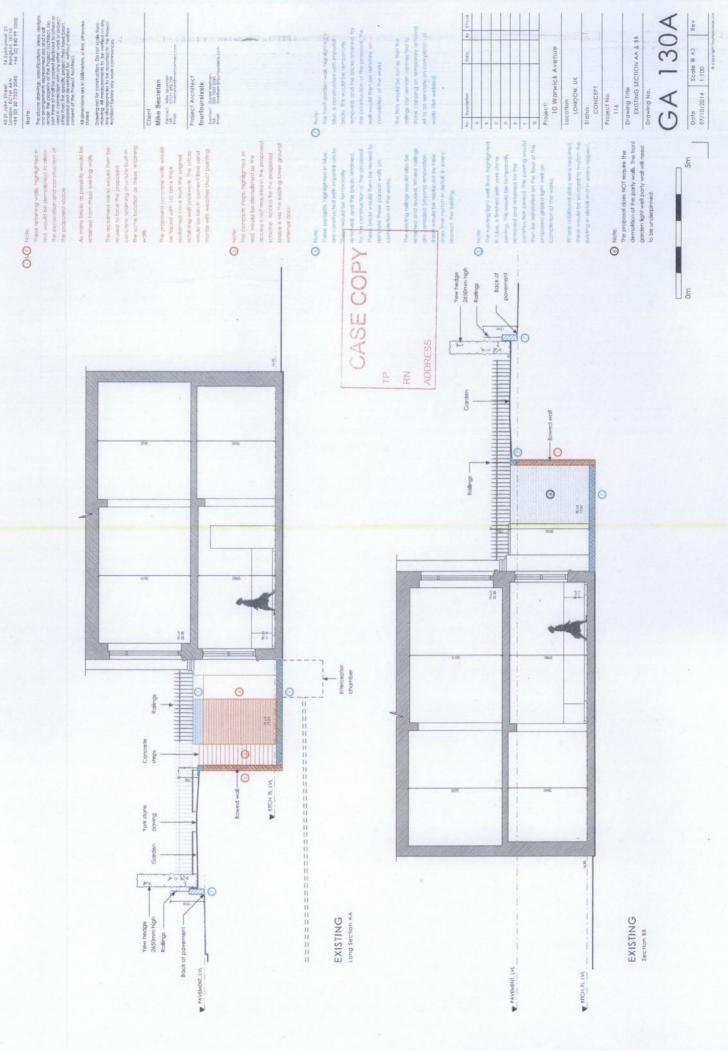
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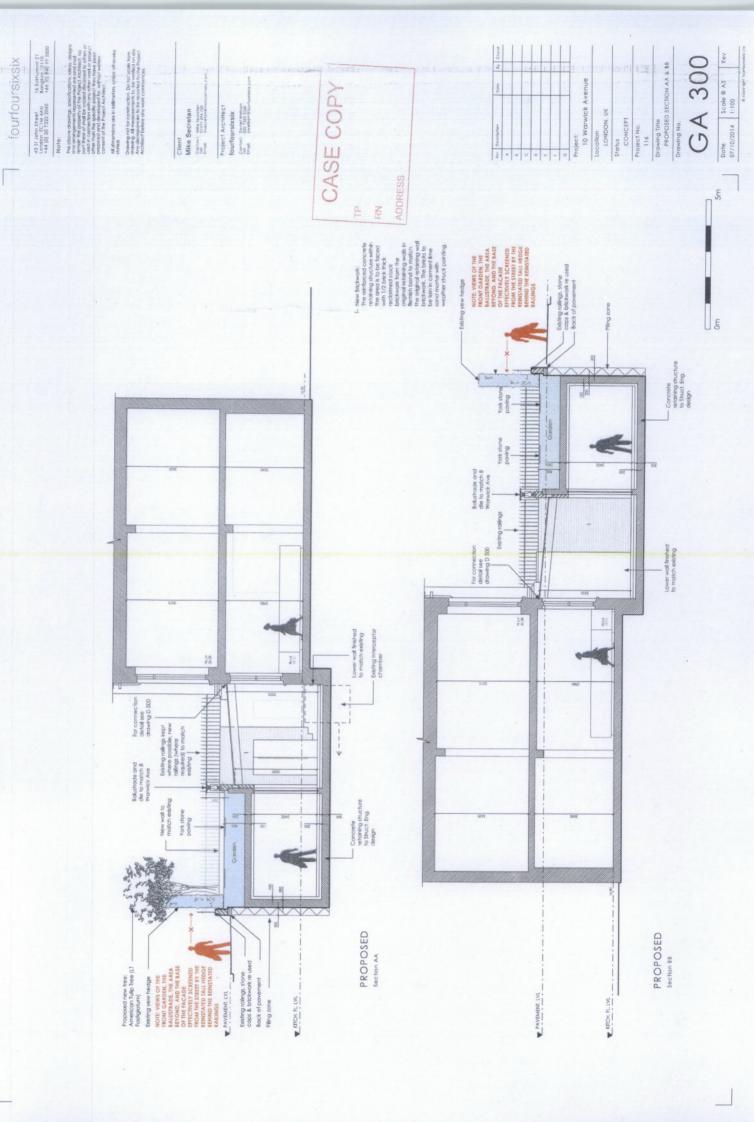
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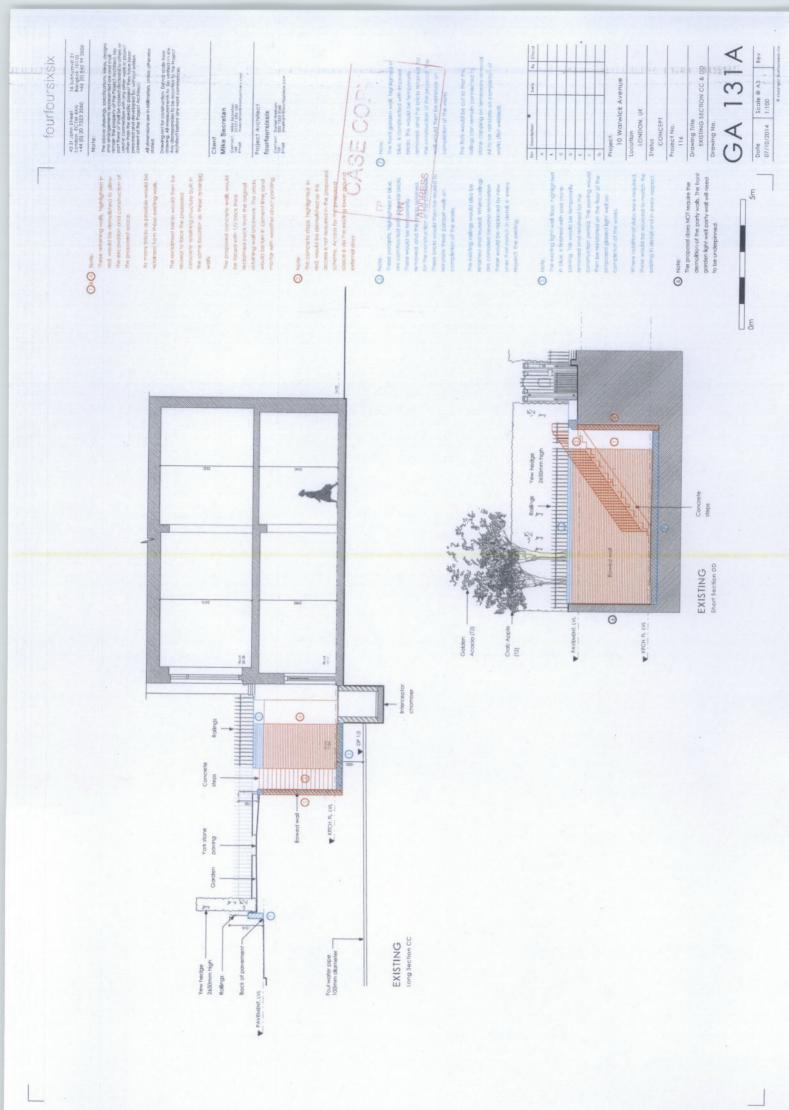
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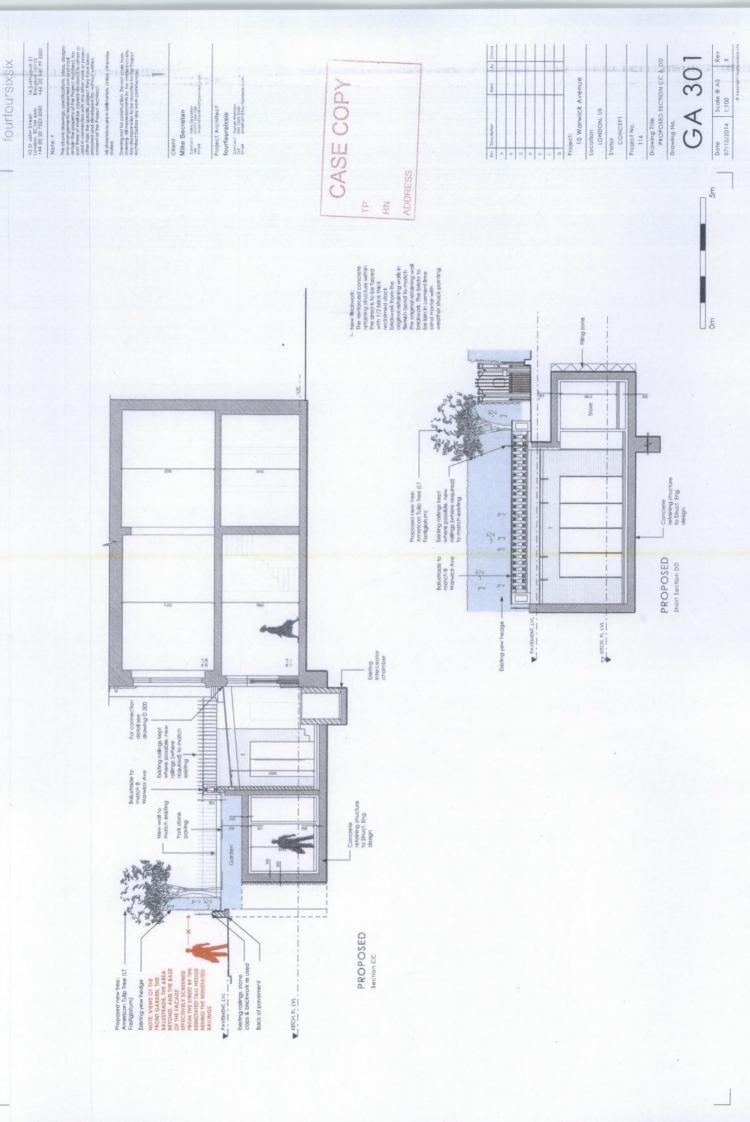
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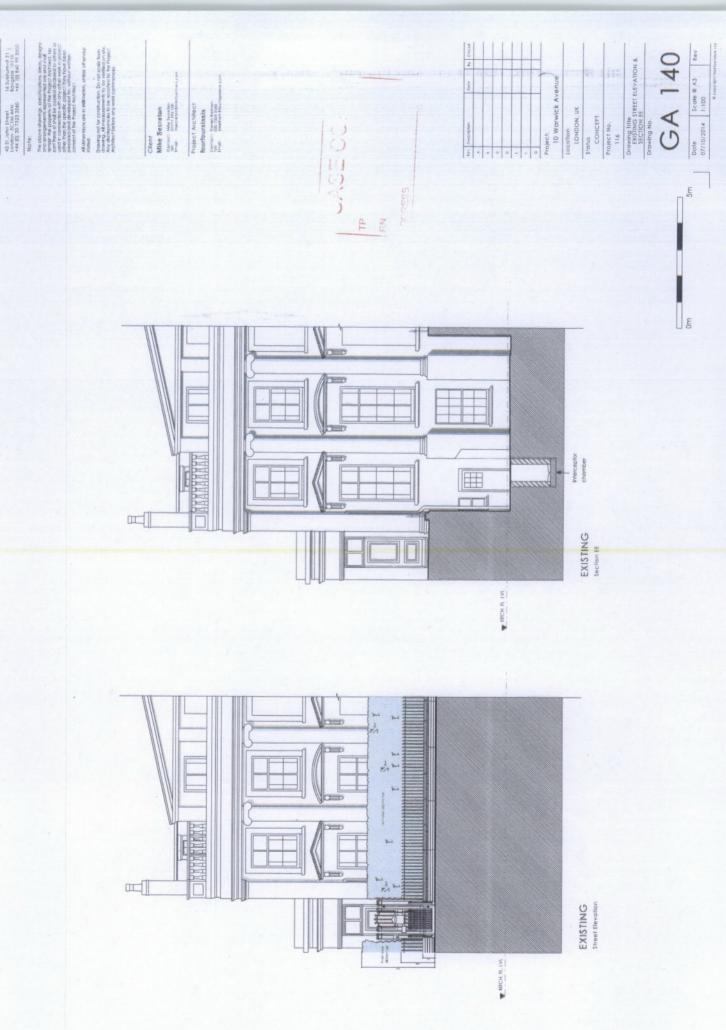
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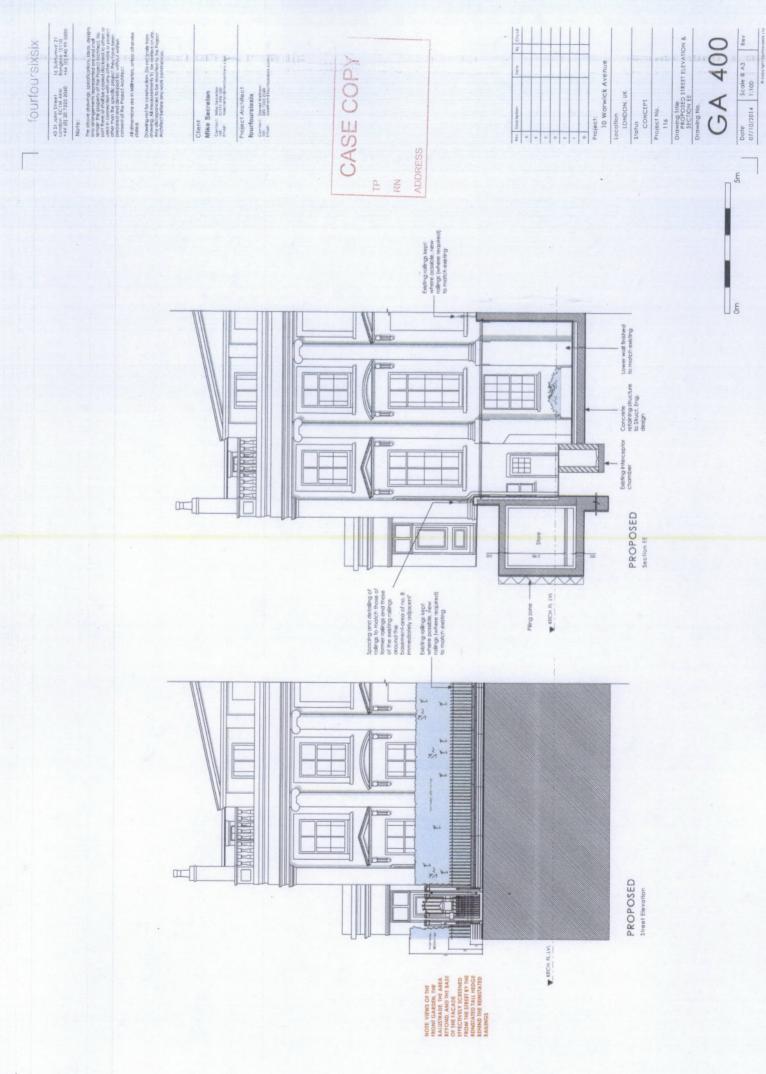












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PROPOSED Garden Visualisation

Froject:

10 Warwick Avenue

Location
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Project No.

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