

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 5 January 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>3 Cavendish Avenue, London, NW8 9JD,</b>		
<b>Proposal</b>	Infill extension to side of property at raised ground floor level and associated alterations		
<b>Agent</b>	Ian Taylor		
<b>On behalf of</b>	Mr Clive Lewis		
<b>Registered Number</b>	15/09074/FULL 15/09075/LBC	<b>Date amended</b>	23 November 2015
<b>Date Application Received</b>	29 September 2015		
<b>Historic Building Grade</b>	Grade II listed		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent
2. Agree reasons for granting conditional listed building consent

## 2. SUMMARY

In 2003 permission and listed building consent were granted for an infill extension at raised ground floor level in the gap between No's 3 and 5 Cavendish Avenue. This latest proposal is for a similar extension above the existing lower ground floor extension. Objections have been received from the St John's Wood Society and the adjoining neighbour.

The key considerations are :

- i) the impact of the proposed extension on the special architectural and historic interest of these listed houses and on this part of the St John's Wood Conservation Area; and
- ii) the impact of the proposed extension on the amenities of neighbours at No 5.

Policy DES5 normally resists the loss of significant gaps in the townscape. It is accepted that the proposed extension will further erode the current gap between the two houses but this gap is not considered to be a significant townscape gap. The proposed extension will remain as a subordinate addition to the host listed building and its listed neighbour. It will not result in harm to the special architectural and historic interest of these listed buildings and will preserve the character and appearance of this part of the St John's Wood Conservation Area. The proposal will not materially harm the amenities of No 5 and many of the objections raised are not planning matters. The

Item No.
----------

<b>3</b>
----------

applications are recommended for conditional approval.
--

3. LOCATION PLAN



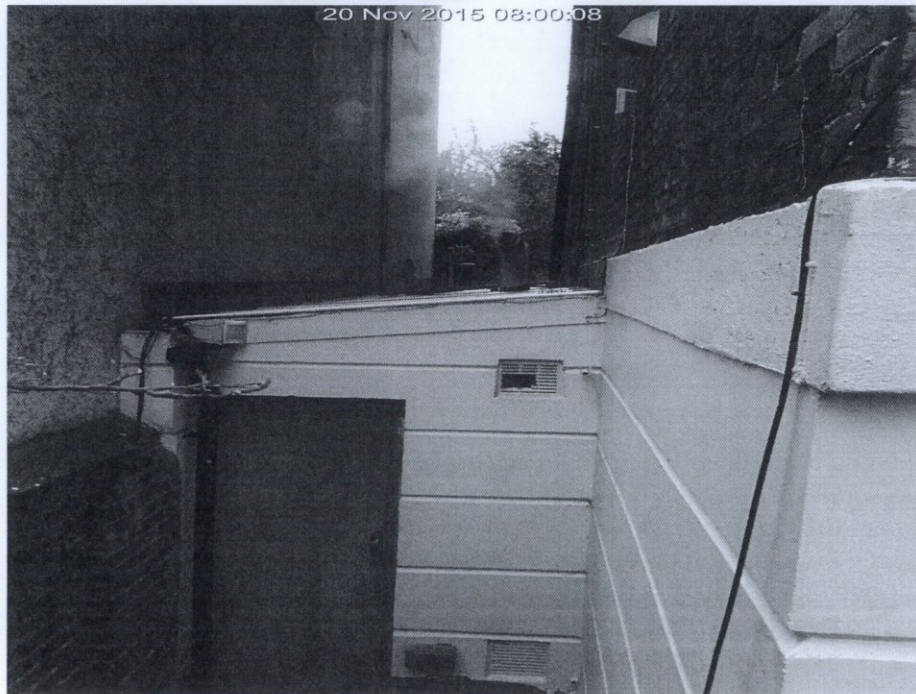
This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597



4. PHOTOGRAPHS



Front Elevation No 3



Existing side extension at lower ground floor level

## 5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY: Policy DES5 states that significant gaps should be maintained between buildings to allow views through to gardens and skylines and to maintain the separation of these villas on this premier street within the Conservation Area.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5

Total No. of replies: 3 (2 from the Planning Consultants acting on behalf of No 5 Cavendish Close)

No. of objections: 3

#### Design

The Planning Consultants acting on behalf of No 5 have submitted a letter setting out the relevant policy and guidance context against which the application should be considered, namely the statutory duties under the Planning (Listed Buildings and Conservation Areas Act 1990) and recent case law that decision makers should give considerable importance and weight to the desirability of preserving the setting of the listed buildings, where preserve means to do no harm, and weight can also be applied to the statutory tests in respect of conservation areas, the advice set out in the NPPF and the Council's adopted policies S25, S28 and S47 in the City Plan.

The owner of No 5 has raised the following issues:

#### Other Matters

The existing structure is already under a Court Order dated June 2015 to be altered to take the rain runoff away from No 5. The Judge stated that it should not have been allowed in a suburb. Prior to the building of this infill they suffered no problems with damp, and this construction has caused considerable damage to No 5 both externally and internally. It has encroached on the curtilage of the house over a 63 inch gap between the two houses. No 3 has caused subsidence problems with movement and the applicant has used the foundations of No 5 to underpin his own.

The existing structure was built without planning permission and was only granted retrospectively. It was claimed at the time that a substantial side extension was already in existence next to No 5 which was not correct. This entrance stood on the opposite (north side) of the house adjoining the garden with No 5. The plans submitted were covertly reversed to mislead the Planning Department into considering his application an improvement rather than an entirely new structure. Pointing out these anomalies which would normally cause the Planning Department to consider an order requiring this offending structure to be demolished entirely. Any further work would require on site investigation by Building Control.

The applicant has submitted a rebuttal response from his solicitors in respect of the objection, stating that the existing structure was granted permission and listed building consent and was not granted retrospectively.

ADVERTISEMENT / SITE NOTICE: Yes

## Revised Scheme (minor design changes)

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No Consulted 2 No Replies 0

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

No 3 is a Grade II listed house located on the west side of Cavendish Avenue within the St John's Wood Conservation Area. At the side of the property in between the gap with No's 3 and 5, there is a single storey side extension at lower ground level with a glazed roof.

### 6.2 Recent Relevant History

There have been a large number of decisions relating to this house; of particular relevance are the following:

Planning permission and listed building consent granted 24 November 2015 for the removal of the existing glass roof over side extension and replacement with new lead roof and rooflights.

Planning permission and listed building consent were granted on 16 January 2003 for the erection of a side infill extension at raised ground floor level and internal alterations.

The applicant states that these approvals were implemented before the expiry of the 5 year deadline but the project has been delayed due to party wall issues with the neighbour. However Condition 4 attached to the planning permission and Condition 2 attached to the listed building consent required the submission and approval of a brick sample before works took place was not formally submitted to the Council. These conditions were not formally discharged, and the applicant was advised by the City Council to submit fresh applications. Copies of the 2003 approvals are set out in the background papers.

Planning permission and listed building consent were granted on 20 August 1996 for a side extension.

## 7. THE PROPOSAL

This proposal seeks to remove the glass roof of the existing side extension and add an extra floor. The new extension is shown to be constructed in brick with single glazed timber sash windows to the front and rear. The extension at the front has a raised parapet wall with a cornice detail which matches the main front façade. The new extension will be accessed by a new internal staircase in the existing lower ground extension.

The application has been amended to replace the 3 aluminium rooflights in the flat roof with a single timber framed rooflight. The proposal also includes a new 4 panel timber door at front lower ground floor level and the position of boiler flue is now shown.

The neighbour has been re-consulted on the revisions and given a further 14 days to comment.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

This proposal raises no land use issues.

### **8.2 Townscape and Design**

The St John's Wood Society objects to the loss of the townscape gap, and the consultants acting on behalf of the owners of No 5 have submitted a comprehensive letter requesting that the proposed alterations are given an appropriate level of consideration against the relevant policy and legislative context.

In dealing with these planning and listed building consent applications, regard has been had to the relevant statutory tests in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the advice set out in paragraphs 133 and 134 regarding the assessment of the proposal on designated heritage assets.

Policy DES5 states that permission may be refused where it involves the loss of significant gaps in the townscape, and also of relevance are policies DES9 and DES10 in the UDP and policies S25 and S28 in the City Plan. In reaching a decision regard has been had to the advice set out in the NPPF in respect to the impact/harm the proposal may have on the designated heritage assets. (Both the listed buildings at No's 3 and 5 and the St John's Wood Conservation Area)

In assessing this proposal special regard has been had to the desirability of preserving the building or its setting or any features of special architectural or historic interest on this historic building, its listed neighbour and the wider conservation area setting.

In this case, whilst it is accepted that the proposed extension will infill the existing gap between these two houses further, and will be visible from street level views in Cavendish Avenue. However, the proposed extension adopts the materials, details and vocabulary of the original house and therefore remains subordinate to it in terms of its height and set back from the front building line. Although normally the Council would resist the infilling of characteristic townscape gaps, but it is not considered that the existing gap is a significant townscape gap. There is currently a single storey structure in the existing gap, and the City Council has granted permission and listed building consent in 2003 for a similar raised ground floor extension which is a material planning consideration. Overall, despite the objections received, the proposal will preserve the special architectural and historic interest of these two listed houses.

The applicant has replaced the inappropriate aluminium framed rooflights with a single timber framed rooflight which is an improvement in detailed design terms. The amended plans now show the existing boiler flue taken up through the new extension and this flue will now sit behind the raised front parapet and therefore will not be visible from street level.

In respect of the detailed design of the extension, further details are required regarding the side return of the new extension and its relationship with the high front parapet wall. It is recommended at this stage to impose a modification condition to secure this. The agent is proposing to submit additional drawings and these will be reported verbally to Committee.

Overall, the proposed extension would not harm the special architectural and historic interest of these listed houses and will preserve the character and appearance of this part of the St John's Wood Conservation Area.

### **8.3 Residential Amenity**

Whilst it is accepted that the proposed extension will be seen from the front first floor windows at No 5, it is not considered to result in any material loss of light, increased sense of enclosure or loss of privacy. The proposal therefore complies with policies S29 in the City Plan and ENV13 in the UDP.

### **8.4 Transportation/Parking**

Not relevant in the determination of this proposal.

### **8.5 Economic Considerations**

No economic considerations are applicable for this householder proposal.

### **8.6 Access**

Not relevant in the determination of this proposal.

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

None relevant

### **8.8 London Plan**

This proposal raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of these planning and listed building consent applications are considered to be consistent with the NPPF unless stated otherwise. Regard has been had to the impact on the special architectural and historic interest of the Grade II listed buildings at No's 3 and 5 Cavendish Avenue and this part of the St John's Wood Conservation Area as the designated heritage assets.

### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of these applications.

### **8.11 Environmental Impact Assessment**



Not relevant in the determination of these applications.

## 8.12 Other Issues

### Existing Side Extension

Objections have been raised on the grounds that the existing side extension is not lawful. According to the Council's records, approval was given in 1996; therefore this objection cannot be sustained.

### Certificate B notification

The applicant has now served notice under Certificate B on the owner of No 5 as the proposed extension will abut the party wall of this house.

It is evident from the representations received, there has been a long history of dispute between the neighbours, and nevertheless this proposal needs to be assessed on its planning merits.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from St John's Wood Society, dated 19 October 2015
3. Letter from occupier of 5 Cavendish Avenue, London, NW8 dated 3 November 2015
4. Letters from Turleys, The Charlotte Building, 17 Gresse Street, London W1 dated 29 October 2015 and 2 December 2015.
5. Letter from solicitors acting on behalf of the applicant dated 11 November 2015
6. Copy of the planning permission and listed building consent dated 16 January 2003

### Selected relevant drawings

(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 AMANDA COULSON ON 020 7641 2875 OR BY EMAIL AT [NorthPlanningTeam@westminster.gov.uk](mailto:NorthPlanningTeam@westminster.gov.uk)

10. KEY DRAWINGS

Existing Elevations



Existing West Elevation



Existing East Elevation



A2 Drawing

**twd**  
LIMITED

ARCHITECTS-CHARTERED SURVEYORS  
INCORPORATED IN GREAT BRITAIN  
18 South Street, Duxford, Cambs, CB22 3PL  
Tel: 01353 749108 • Fax: 01353 478223 • [info@twd.co.uk](mailto:info@twd.co.uk)

Job No: 3 Cavendish Ave. NWS.

Drawing title Existing East and West Elevation

Scale: 1:50 Date: Aug 99

Drawing number	Revision
99498 AL/012	

Proposed Elevations



Proposed West Elevation



Proposed East Elevation



A2 Drawing

**tw**

ARCHITECTS-CHARTERED SURVEYORS  
SIR JOHN WILLIAMS DAILEY PARTNERSHIP  
18 South Street, Duxford, Cambs, CB22 3PL  
Tel: 01353 749108 • Fax: 01353 478223 • [info@tw.co.uk](mailto:info@tw.co.uk)

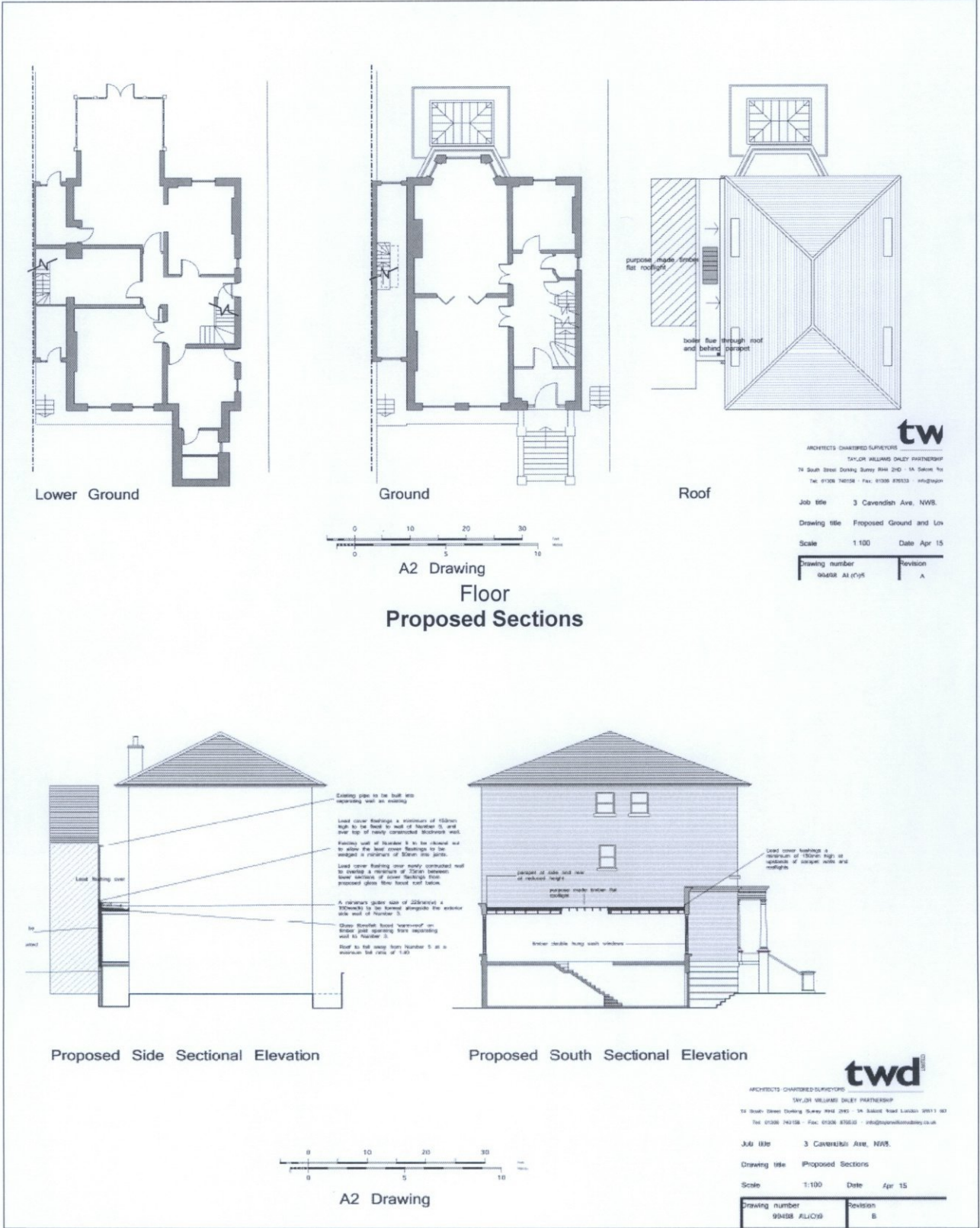
Job No: 3 Cavendish Ave. NWS.

Drawing title Proposed East and West Elevation

Scale: 1:50 Date: Aug 99

Drawing number	Revision
99498 AL/011	B

Proposed Floor Plans



**DRAFT DECISION LETTER**

**Address:** 3 Cavendish Avenue, London, NW8 9JD,

**Proposal:** Infill extension to side of property at raised ground floor level and associated alterations

**Plan Nos:** 99498 AL(O)1, 99498 AL(O)6; 99498 AL(O)5 Revision A, 99498 AL(O)9 Revision B, 99498 AL(O)11 Revision B, 99498 AL(O) 12  
Planning Statement, Heritage Statement, and Design Statement .Sample of brick.

**Case Officer:** Amanda Coulson

**Direct Tel. No.** 020 7641 2875

**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 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., Noisy work must not take place outside these hours. (C11AA)

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 St John's Wood 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 The side extension shall be built in accordance with the submitted brick sample.

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 St John's Wood 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)

- 5 The new windows shall be timber single glazed sash windows.

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 St John's Wood 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)

- 6 **Pre-Commencement condition** Before any works commence on site detailed drawings( at a scale of 1:50 )of the side elevation of the raised ground floor extension shall be submitted to and approved by the City Council as local planning authority The development shall be carried out in accordance with the approved drawings .

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 St John's Wood 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)

### **Informatives**

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.

**DRAFT DECISION LETTER**

**Address:** 3 Cavendish Avenue, London, NW8 9JD,

**Proposal:** Infill extension to side of property at raised ground floor level and associated alterations.

**Plan Nos:** 99498 AL(O)1, 99498 AL(O)6; 99498 AL(O)5 Revision A, 99498 AL(O)9 Revision B, 99498 AL(O)11 Revision B, 99498 AL(O) 12; Planning Statement, Heritage Statement, and Design Statement .Sample of brick.

**Case Officer:** Amanda Coulson **Direct Tel. No.** 020 7641 2875

**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 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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 The side extension shall be built in accordance with the submitted brick sample.

**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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The new windows shall be timber single glazed sash windows painted white.

**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: Strategic Policies adopted November 2013 and DES 1

of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**5. Pre-Commencement condition** Before any works commence on site detailed drawings( at a scale of 1:50 )of the side elevation of the raised ground floor extension shall be submitted to and approved by the City Council as local planning authority The development shall be carried out in accordance with the approved drawings .

**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: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**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 March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, 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 character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:  
S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 5.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)