

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 1 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	1 Bolney Gate, Ennismore Gardens, London, SW7 1QW,		
Proposal	Extension at lower ground floor level by excavating under the rear ground floor patio and conservatory to provide additional residential accommodation. External alterations including walk on roof lights to patio.		
Agent	Mr Michael Trentham		
On behalf of	Mr Jeremy Taylor		
Registered Number	15/04913/FULL	Date amended/ completed	2 June 2015
Date Application Received	2 June 2015		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

1 Bolney Gate is a single family dwelling comprising of lower ground, ground, first to fourth floor levels. The building is not listed and is located outside of a conservation area. To the rear of the building is a raised terrace area and beyond that a communal garden area which can be accessed directly from the application site and from Ennismore Gardens via a private gate.

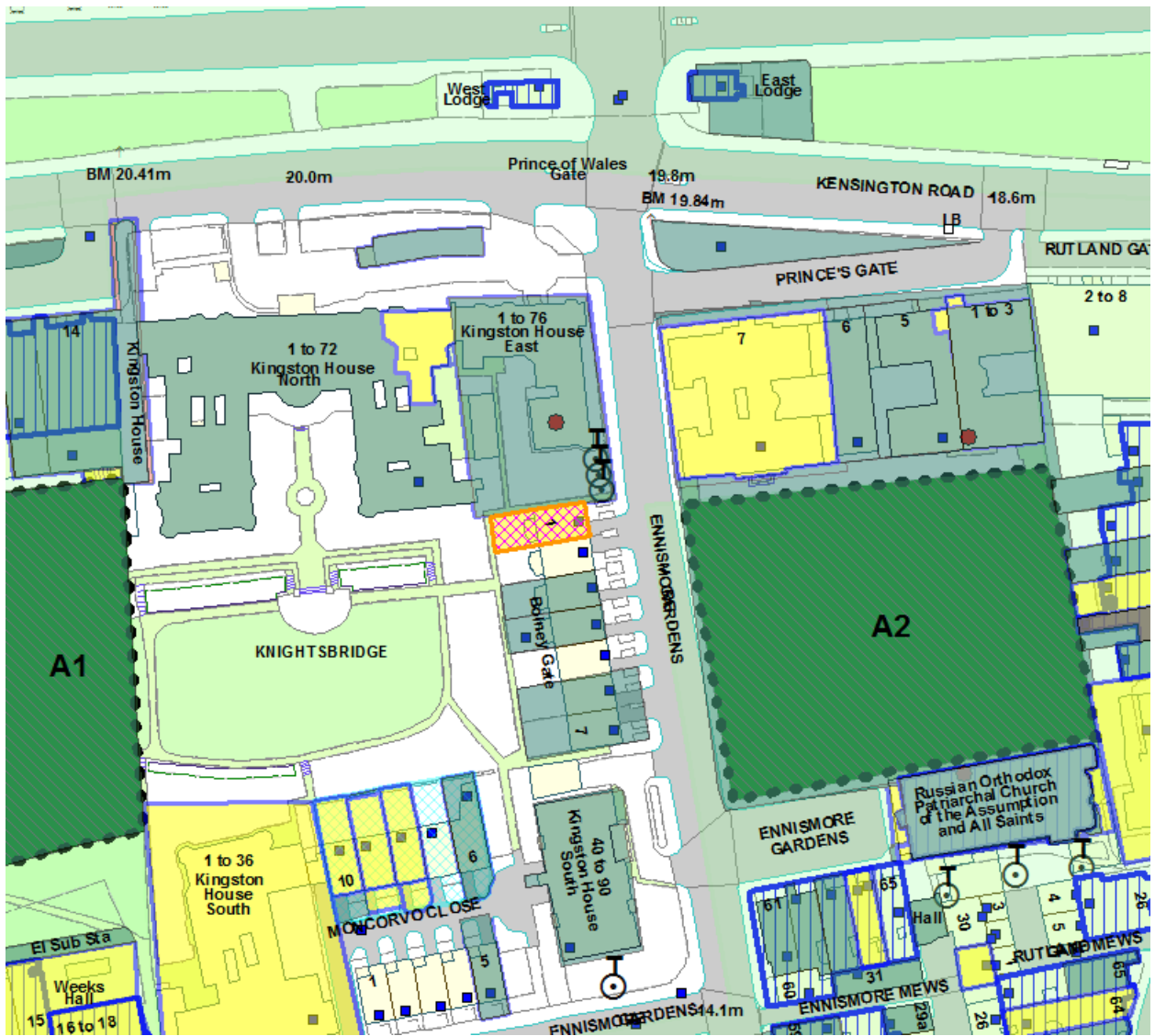
Permission is sought for an extension to the house at lower ground floor level by excavating under the rear ground floor patio and conservatory. External alterations include walk on roof lights to patio.

The key issues in this case are:

- * The impact on the residential amenity of neighbouring occupiers.
- * The impact on the character and appearance of the area.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION

Any comments to be reported verbally.

BUILDING CONTROL

Structural method statement is considered to be acceptable.

ARBORICULTURAL MANAGER

No objection subject to conditions to protect trees at street level and during construction phase.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 80; Total No. of Replies: 15 objections on the following grounds:

Design

- * Formation of a basement.

Other

- * Noise, dust, disruption and vibrations during excavation work.
- * Limit hours of building work.
- * Disruption and obstruction to residents parking and garages likely to be caused by construction vehicles and skips
- * Security risk caused by workmen.
- * No consent given by landlord of Kingston House South for drilling and soil sampling.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

1 Bolney Gate is a single family dwelling comprising of lower ground, ground and first to fourth floor levels. There is a level change within the building and the rear of the site. On entering the building there is a small ground floor hallway with steps leading down to the lower ground floor area and steps leading up to the first floor area which provides access to the living areas at first floor level and onto the raised terrace area at the rear. Due to this level change the first floor terrace when viewed from the rear of the site from the communal gardens reads as the ground floor level.

To the rear of the building beyond the raised terrace area is the communal garden area which is accessed directly from the application site and from Ennismore Gardens via a private gate adjacent to No. 7.

The building is unlisted and is located outside of a conservation area.

6.2 Recent Relevant History

There is no recent planning history for 1 Bolney Gate. However, similar extensions have been granted permission at Nos. 4 and 6-7 Bolney Gate.

4 Bolney Gate

Planning permission was granted on the 23 April 2014 for the extension to lower ground floor kitchen to create a family room including excavation under the existing first floor rear patio and conservatory at upper ground floor level; and extension to existing roof lights to patio and relocation of staircase to garden area set behind existing garden wall (14/00649/FULL).

Planning permission was granted on the 22 July 2014 for the excavation of additional basement level under the house (14/05026/FULL).

6-7 Bolney Gate

Planning permission was granted on the 29 September 2015 for the extension to single family dwelling including excavation at lower ground floor level beneath terrace area to rear and erection of single storey extension at rear ground floor level with roof terraces above (14/12804/FULL).

7. THE PROPOSAL

Permission is sought for the extension at lower ground floor level by excavating under the rear patio and conservatory to provide additional residential accommodation. External alterations include walk on roof lights to the patio.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The creation of additional residential floorspace accords with Policy S14 of the City Plan.

8.2 Townscape and Design

The rear of the property is clearly visible when viewed from the communal gardens. The rear elevations of the properties have an established and consistent pattern with bay fronted extensions at rear first floor level leading onto the first floor patio area, solid walls behind the brick boundary wall fronting the communal garden area, simple black railings and access door into the garden area.

The proposal seeks to excavate under the rear patio area in order to provide additional residential accommodation at lower ground floor level. The proposed opening up of the lower ground floor level will not be visible from the private or public realm. Externally it is proposed to provide walk on roof lights set into the rear patio and reinstate railings to match the existing railings.

No changes are proposed to the lower ground floor perimeter wall facing onto the garden area.

8.3 Residential Amenity

Policies S29 of the City Plan and saved Policy ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

A number of objections have been received from the residents of Kingston House South which is a residential block of flats located to the south of the application site. There are views from the windows in the North facing flank elevation of Kingston House South of the application property and the communal gardens at the rear. One objection has been received from Kingston House East which is located adjacent to the application site to the North.

The application seeks to enlarge the existing lower ground floor level of the house by excavating beneath the raised terrace area to the rear of the existing kitchen. Given the subterranean location of the extension, there would be no external manifestation, except for three modest sized walk-on roof lights to the patio area. The proposal would therefore not have a material impact on the amenity of neighbouring residents.

One of the main areas of concern for residents is the potential noise, dust and disturbance that could be caused by the proposed works and potential obstruction that could be caused by construction vehicles. A condition is recommended to secure a construction management plan to manage the works in order to minimise disturbance to the adjoining residential properties and the Council's standard condition controlling building works limiting excavation works to between 08.00 and 18.00 Monday to Friday only and all other works (excluding excavation) to between 08.00 and 18.00 Monday to Friday and between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. Given the scale of the proposals, this is considered reasonable in order to manage works on site.

8.4 Transportation/Parking

The proposals do not result in any changes to the public highway nor result in the loss of off-street residential car parking. Any temporary suspension of on-street parking bays will require a Highways licence and will be managed and coordinated as part of the Construction Management Plan referred to above.

8.5 Economic Considerations

The economic benefits generated are welcome.

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy 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.

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.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

There are existing trees within the communal garden area to the rear of the application property. The application has been amended to pull the lower ground floor extension back so that it is 1m from the inner retaining wall of the staircase to the rear. This will minimise the risk of any significant damage to the roots of a sycamore tree in the communal gardens. An amended arboricultural report has been submitted detailing the required tree protection measures, and this is considered to be acceptable.

The Arboricultural Manager is satisfied with the amended arboricultural report and tree protection measures. Conditions are recommended to ensure that the existing trees are protected during the construction works.

8.12 Other Issues

Excavation at rear lower ground floor level

The applicant has submitted a method statement relating to the excavation works proposed. The statement has been assessed by Building Control officers who have confirmed that the method statement is acceptable.

The purpose of such a report at the planning application stage is to demonstrate that the proposed works at lower ground floor level can be constructed on a 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. In addition, the application proposals are not seeking to create a new basement level but rather excavating beneath the rear terrace to extend the existing lower ground floor level.

Consultation

The managing agents of the seven properties in Bolney Gate, Kingston House Property Management Limited, have objected to the method of consultation. The Council relies on the applicant to ensure that the correct certificates are completed on the application form and that notification is given to all relevant freeholders and leaseholders. The correct certificate and notice was served for this application.

The Council sends out neighbour consultation letters to property addresses. It is the responsibility of the occupants to make the relevant leaseholder/freeholders aware of applications that may affect those properties.

Subject to the conditions set out in the draft decision letter, the application is considered acceptable in amenity, highways and design terms and is recommended for approval.

9. BACKGROUND PAPERS

1. Application form.
2. Memorandum from Highways Planning dated 21 July 2015.
3. E-mail from Building Control dated 22 July 2015 and 1 February 2015.
4. Memorandum from the Arboricultural Manager dated 9 July, 13 August 2015 and 3 February 2016.
5. Letter from Peerman Investments Limited c/o 54 Kingston House South on behalf of Flat Nos. 44, 46, 49, 50, 51, 53, 54, 57, 58, 66, 73, 77, 78 dated 19 July 2015.
6. Letter from occupier of 40 Kingston House South, SW7 1NG dated 19 July 2015.
7. Letter from occupier of 48 Kingston House South, SW7 1NG dated 19 July 2015.
8. Letter from occupier of 56 Kingston House South, SW7 1NG dated 19 July 2015.
9. Letter from occupier of 60 Kingston House South, SW7 1NG dated 19 July 2015.
10. Letter from occupier of 63 Kingston House South, SW7 1NG dated 19 July 2015.
11. Letter from occupier of 64/65 Kingston House South, SW7 1NG dated 19 July 2015.
12. Letter from occupier of 69 Kingston House South, SW7 1NG dated 19 July 2015.
13. Letter from occupier of 70 Kingston House South, SW7 1NG dated 19 July 2015.
14. Letter from occupier of 71 Kingston House South, SW7 1NG dated 19 July 2015.
15. Letter from occupier of 72 Kingston House South, SW7 1NG dated 19 July 2015.
16. Letter from occupier of 80 Kingston House South, SW7 1NG dated 19 July 2015.
17. Letter from occupier of 84 Kingston House South, SW7 1NG dated 19 July 2015.

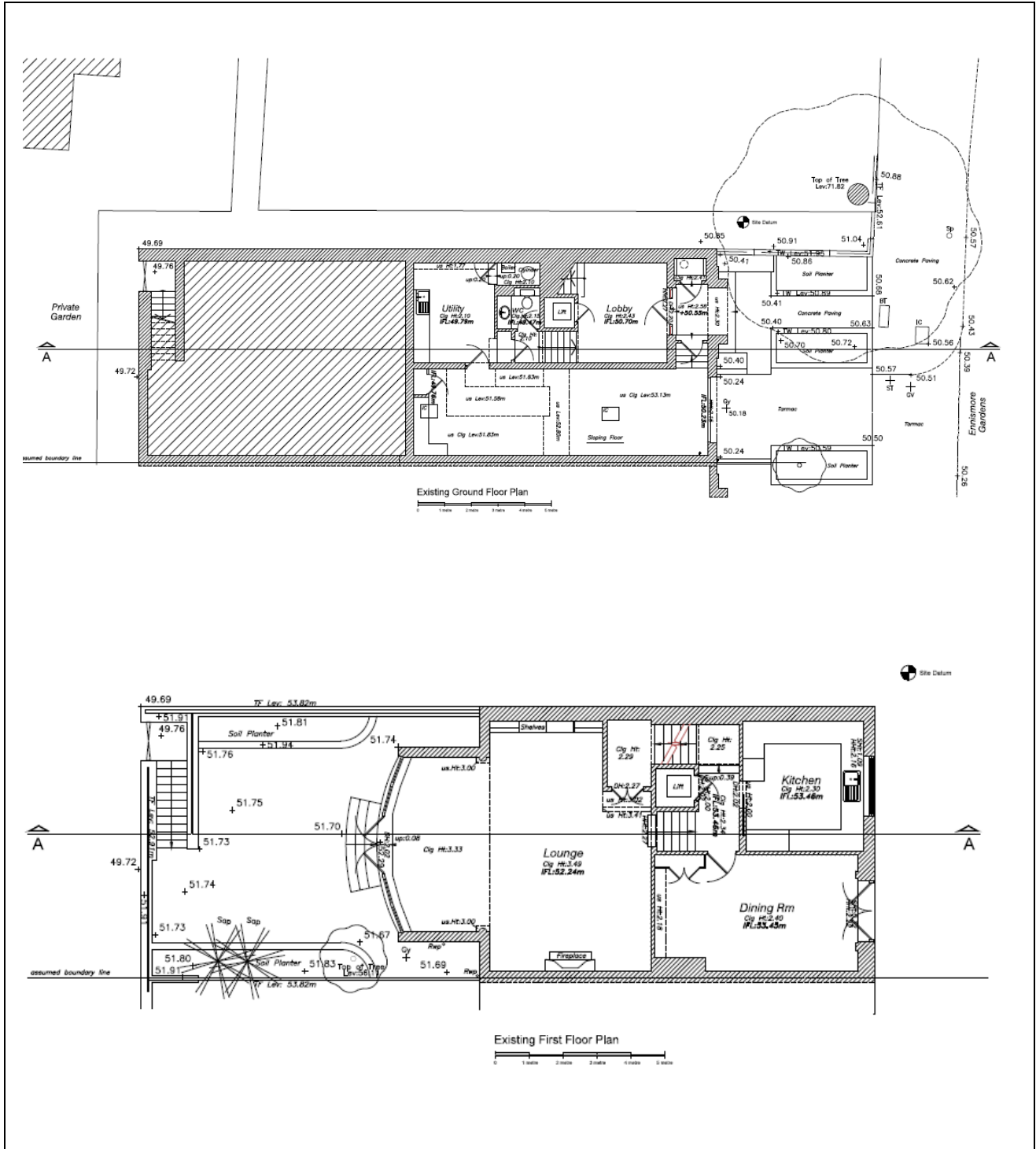
18. Letter from occupier of 86 Kingston House South dated 19 July 2015.
19. Letter from Stepien Lake LLP freehold owner of 1-7 Bolney Gate dated 29 July 2015.
20. Letter from the occupier of 41 Kingston House East, Princes Gate, SW7 1LP dated 13 July 2015.

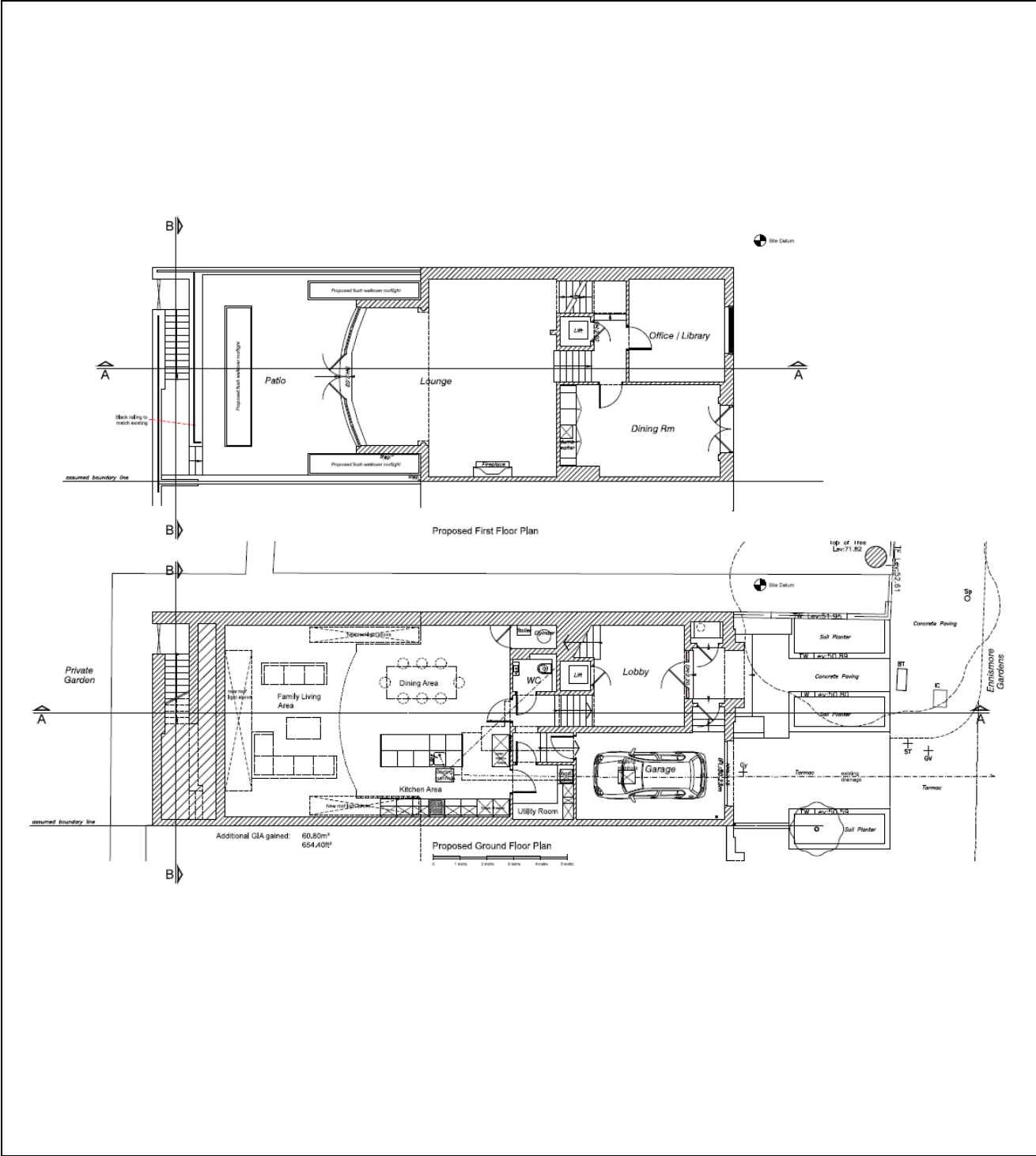
Selected relevant drawings

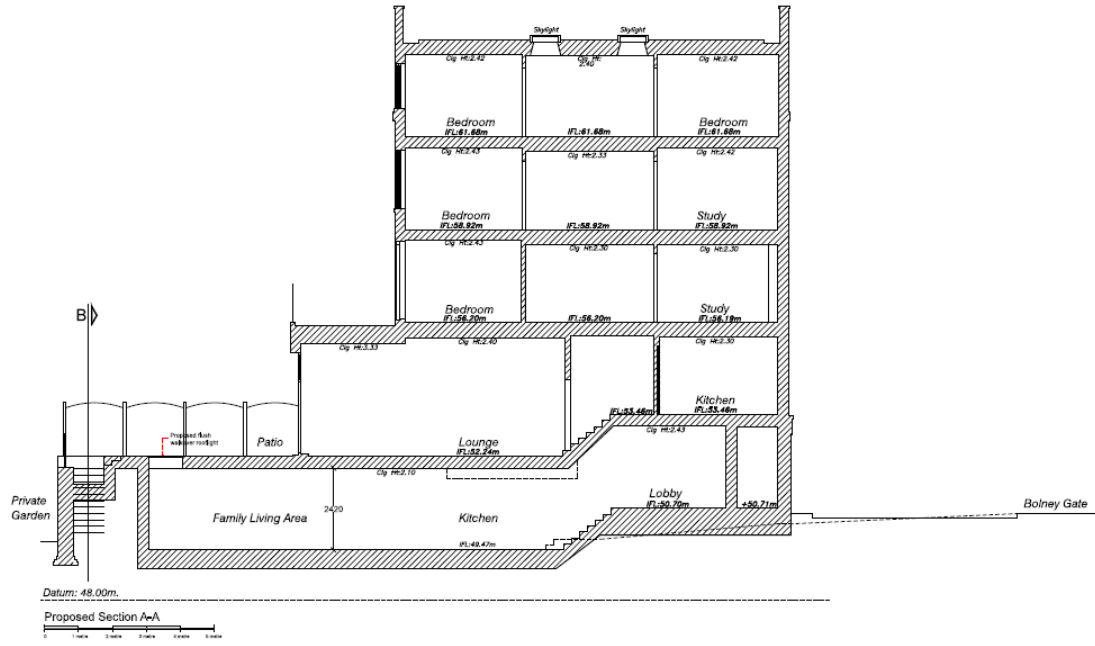
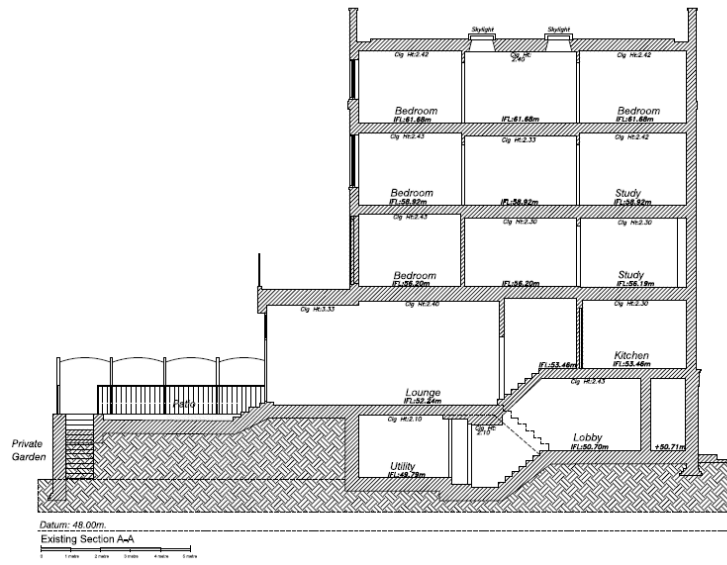
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ZULEKHA HOSENALLY ON 020 7641 2511 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk
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10. KEY DRAWINGS









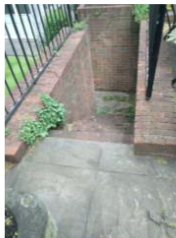
Datum: 48.00m.
Existing Rear Elevation
0 1.00m 2.00m 3.00m 4.00m 5.00m



Rear view - 1 Bolney Gate



Rear view - 1 Bolney Gate, 1st floor patio



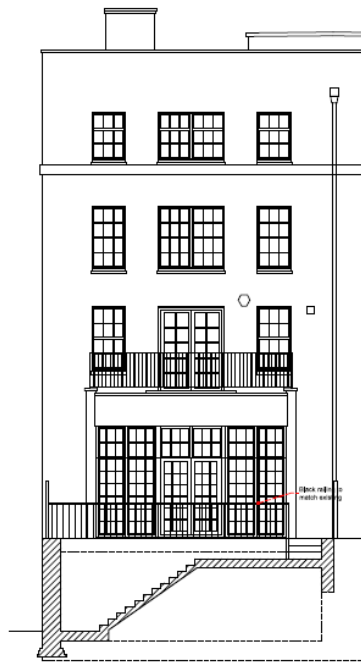
Rear stairs to communal courtyard



View from rear patio to existing lounge room



Datum: 48.00m.
Proposed Rear Elevation
0 1.00m 2.00m 3.00m 4.00m 5.00m



Datum: 48.00m.
Proposed Section BB
0 1.00m 2.00m 3.00m 4.00m 5.00m

DRAFT DECISION LETTER

- Address:** 1 Bolney Gate, Ennismore Gardens, London, SW7 1QW,
- Proposal:** Extension at lower ground floor level by excavating under the rear ground floor patio and conservatory to provide additional residential accommodation. External alterations including walk on roof lights to patio.
- Reference:** 15/04913/FULL
- Plan Nos:** 217 S 00, 217 S 01, 217 S 02, 217 S 03, 217 S 04, 217 S 05, 217 S 06, 217 P 01 Rev. A, 217 P 02 Rev. A, 217 P 03 Rev. A, 217 P 04 Rev. A, Arboricultural Survey and Planning Integration Report (Quaife Woodlands AR/3374a/rg) dated 29 October 2015 and Design and Access Statement.

For Information Purposes only: Structural Methodology Statement prepared by Parmabrook, 200 Rev. P1, 100 Rev. P2, 101 Rev. P2, 102 Rev. P3, 103 Rev. P3 and Construction Management Plan dated June 2015.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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 the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 **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.

- 6 You must protect the trees according to the details, proposals, recommendations and supervision schedule set out in your Revised Arboricultural Survey and Planning Integration Report (AR/3374a/rg) and Tree Protection Plan (Appendix C) dated 29th October 2015. The proposed tree protective fencing must be installed according to the example given on this plan. If you need to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

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 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.
- 5 For the avoidance of doubt the Construction Management Plan required under Condition 5 should cover the items set out in Appendix 2 of our Supplementary Planning Document - Basement Development in Westminster.
- 6 You are advised that in relation to Conditions 5 and 6 that the details submitted satisfy the construction management and tree protection conditions are prepared in conjunction with each other, as adequate protection of trees on an adjacent to the site will rely on an appropriate means of construction.

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.