

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	66 Chepstow Road, London, W2 5BE.		
Proposal	Excavation of a two storey basement extension below front garden, enlargement of front lightwell, provision of new front boundary treatment, excavation of single storey basement below rear garden with rooflights within rear garden and new landscaping to rear garden, including green wall to rear boundary. Internal alterations.		
Agent	Peter Tigg		
On behalf of	Mr Ralf Ackermann		
Registered Number	15/07328/FULL & 15/07329/LBC	Date amended/ completed	19 February 2016
Date Application Received	10 August 2015		
Historic Building Grade	Grade II		
Conservation Area	Westbourne		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree reasons for granting conditional listed building consent, as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The application site comprises the penultimate terrace property at the northern end of the terrace on the east side of Chepstow Road. The building is in use as a single family dwellinghouse. It is a Grade II Listed Building and is located within the Westbourne Conservation Area.

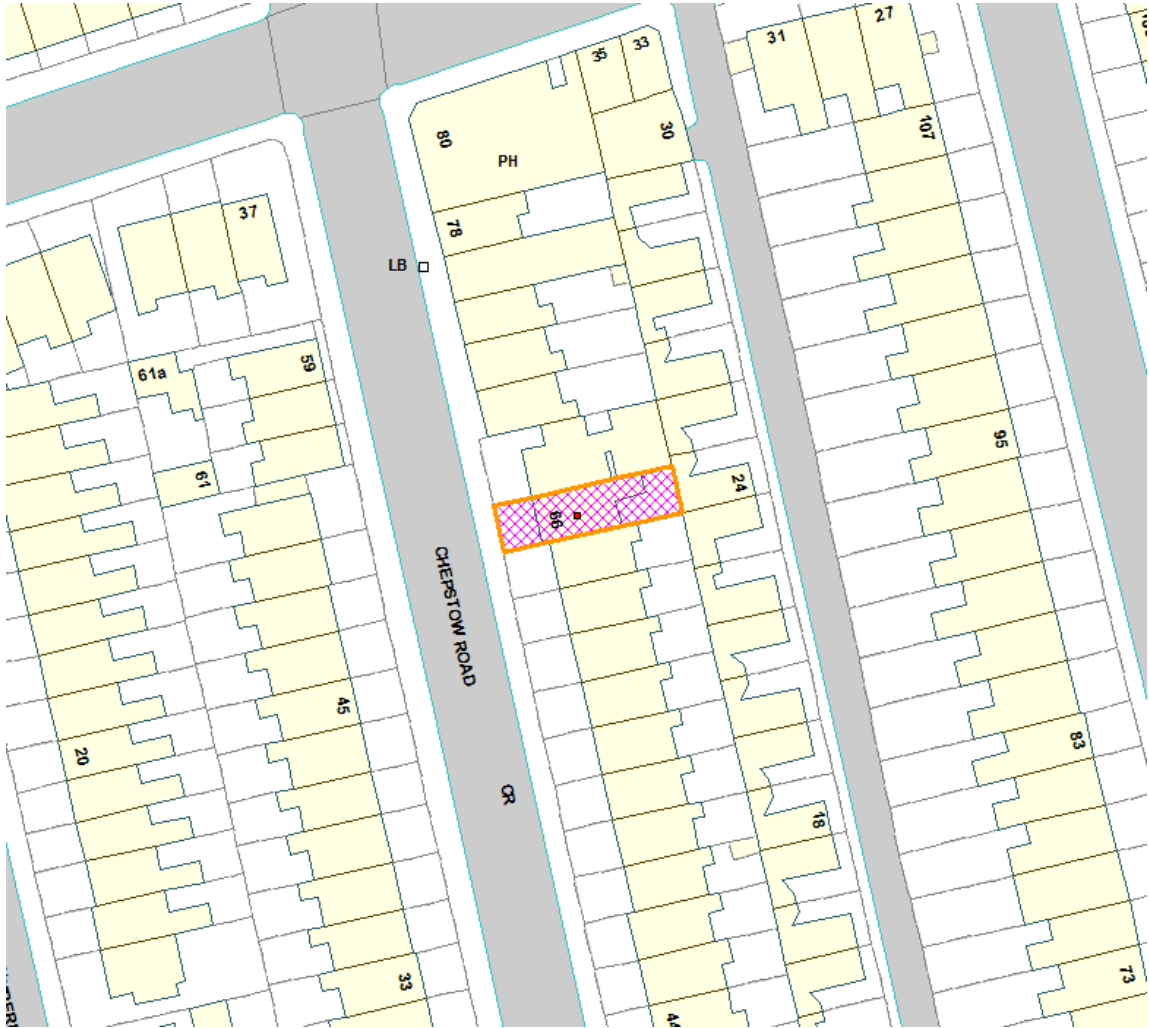
Planning permission and listed building consent are sought for the excavation of a two storey basement extension below front garden, enlargement of the front lightwell, provision of a new front boundary treatment, excavation of a single storey basement below rear garden with rooflights within rear garden and new landscaping to rear garden, including green wall to rear boundary with No.24 Bridstow Place.

Further to negotiation with the applicant, the proposals have been amended. These amendments include the provision of 1.2 metres of soil depth above the basement in both the front and rear gardens

as well as lowering the basement further so that it does not exceed the height of the existing garden level. Associated alterations were made to the fenestration and landscaping.

The proposed development is considered to be acceptable and would accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ORIGINAL CONSULTATION

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Objection to the loss of the front and back gardens.

ARBORICULTURAL MANAGER

Recommends that the basement is reduced in size so that it does not occupy 100% of the garden area and also that a minimum of 1.2m soil depth is provided across the entire basement area excluding lightwells.

BUILDING CONTROL

The scheme has been justified structurally; the basement walls will be constructed using traditional RC retaining walls which are considered to be appropriate for this site. The proposal to safeguard adjoining properties during construction is considered to be acceptable. A site investigation has not been provided but the engineer has carried out a desk study.

ENVIRONMENTAL HEALTH

No objections on the understanding that the proposed plant namely 1 no. Airflow DV72 HRU and 1 no. Helios MiniVent M120 extract fan as listed in the submitted acoustic report are the installed plant.

HIGHWAYS PLANNING MANAGER

Recommends refusal on transportation grounds as the proposal would result in the loss of an off-street parking space which is contrary to policy TRANS23 of the adopted Unitary Development Plan.

THAMES WATER

No objection. General advice provided.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 23; Total No. of replies: 6 letters/ emails received raising objection on all or some of the following grounds:

Design

- Basement is excessive for the site;
- Proposals do not preserve and enhance the character and appearance of the conservation area due to the loss of the green spaces/gardens at both front and back;
- Erosion of green buffer zone between Chepstow Road and Bridstow Place.
- Double basements are contrary to new WCC basement policy guidelines.

Structural Issues

- Foundations of neighbouring buildings would not withstand proposed works;
- Properties in Bridstow Place were built in 1800s and require delicate handling;

- These properties do not have foundations, merely footings, and their stability will be seriously compromised if this development goes ahead;
- Works involve underpinning to party walls;
- Structural engineering report noted that the process of underpinning can cause minor cracking in walls and minimal differential movement;
- Disturbance to water table and resulting damp to cottages in Bridstow Place;
- The Green Wall would cause further damp problems to the cottage in Bridstow Place.

Construction Works

- Inconvenience to neighbours who work from home;
- Neighbouring residents are going to be exposed to gross disturbance, noise, dirt and distress for months;
- CMP does not fully take into account the negative impact on heavily congested Chepstow Road (5 bus routes etc) and the loss of parking for residents in an already stressed area;
- Works would drive tenants away;
- One person should not be able to build their 'dream house' at the expense of the well being of others.

Other Issues

- Erosion of cohesive community to be replaced by those wishing to exploit it for monetary gain;
- Question requirement for a wine cellar;
- Incorrect certificate of ownership signed;
- Request to view the site from neighbouring property.

ADVERTISEMENT/ SITE NOTICE

Yes.

CONSULTATION ON REVISED PLANS

Fourteen day consultation letters were sent to neighbours following the receipt of amended plans. The proposals have been amended to provide 1.2 metres of soil depth above the basement in both the front and rear gardens as well as lowering the basement further so that it does not exceed the height of the existing garden level. Associated alterations were made to fenestration and landscaping.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28; Total No. of replies: 7 letters/ emails received raising objection on all or some of the following grounds:

Design

- The proposals do not comply with the new basement policy and should be reduced in size;
- Conservation criteria are not only about the works to buildings but also about conserving the green spaces between them;
- Character of the neighbourhood is being destroyed.

Structural Issues

- Area has a high water table, the soil is clay, there is evidence of movement in the street;
- In conjunction with development on Botts Mews, there is potential for disaster;
- The Bridstow Place cottages are mid nineteenth century and have no foundations only footings;
- The underpinning of just one party wall would result in unacceptable differential settlements;
- Potential structural damage to neighbouring houses is not something that a structural engineering company can claim to prevent either during or after works;
- Both green wall and basement will create drainage problems.

Construction Works

- It is questioned how allowing people's lives to be disrupted to such an extent can be justified;
- Noise and disruption to residents of Bridstow Place;
- Construction vehicles using Chepstow Road which is already heavily congested by buses;
- It is queried whether or not the works will be carried out at the same times as the construction at Botts Mews.

Other Issues

- Reference is made to works that have been refused at neighbours' properties and it is questioned how allowing the proposed works can be justified;
- Serial applicant who should be prevented from making multiple applications, especially ones who plainly ignore WCC policies which is a waste of tax payers money and WCC planning department time.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the penultimate terrace property at the northern end of the terrace on the east side of Chepstow Road. The building is in use as a single family dwellinghouse. It is a Grade II Listed Building and is located within the Westbourne Conservation Area.

6.2 Recent Relevant History

04/07529/LBC

Partially retrospective application for internal and external alterations associated with change of use from HMO to single family dwelling house including rebuilding of rear closet wing and restoration of façade.

Application Permitted 7 March 2005

04/00738/FULL

Works to front garden, including erection of bin store, works to gates/fences/walls and steps and demolition and reconstruction of existing parking bay.

Application Permitted 26 March 2004

03/08902/FULL

Change of from an HMO to a single dwellinghouse (Class C3).

Application Permitted 12 January 2004

03/06590/LBC

Internal and external refurbishment works to restore dilapidated dwelling house.

Application Permitted 15 October 2003

7. THE PROPOSAL

The application seeks planning permission and listed building consent for a two-storey basement underneath the front garden and a single storey basement underneath the rear garden. At the front of the property, the proposals also comprise the enlargement of the existing front lightwell, the removal of the parking spacing in the front forecourt and associated landscaping. To the rear of the property the proposals comprise a new glazed bridge, a new walk-on rooflight, a green wall to the party wall with 24 Bridstow Place. The proposed basement would be mechanically ventilated and therefore the proposals also comprise associated ducting.

The application for listed building consent also comprises internal works.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal is considered to accord with Policy H3 of the UDP, which states that extensions to residential properties are acceptable in principle.

Concerns have been raised by neighbouring occupiers in respect of the requirement for the basement but this is not within planning control to resist the proposal on the basis of the alleged non-justified need.

8.2 Townscape and Design

Design

The building is Grade 2 listed and is located within the Westbourne Conservation Area. Both the front and rear of the building have been altered, with the inclusion of an off-street parking space affecting the front setting of the building and a modern conservatory structure at rear lower ground floor with balcony deck above, though overall the building retains a good sense of its original character.

With regards to the works under the front garden of the property, though there would typically be a general presumption against the construction of double basements, in this case given the small size of the utility room with wine store which is proposed beneath the front garden/parking area and will therefore not be visible when complete, this aspect of the proposals is considered acceptable. To the rear of the

building, the garden is heavily screened by the very high boundary walls and trellising surrounding the site, and the extension proposed to be set into the lightwell between the rear garden and rear elevation will extend out from the existing glazed conservatory, and will incorporate planters to its roof to help harmonise it into the rear garden setting. The extension will not likely be visible from surrounding properties, will not adversely affect any historic fabric to the building, and is considered acceptable in design terms. The basement underneath the rear garden has no external manifestations aside principally from a slight raising of the level of the rear garden to facilitate a new glazed bridge, however in itself this is not considered contentious.

The new glazed door to the rear extension follows the width of the window above, and therefore though significantly glazed it is not likely visible from surrounding properties and will integrate acceptably into the overall character of the rear of the building. Internally, the works are minor and do not adversely affect the character of the building.

New railings are proposed to the lightwell side of the front garden, which currently has no edge protection. The principle of such railings is considered acceptable; however an amending condition is recommended requiring these to have a flat handrail to their top rather than much grander finials, as the finials would add unnecessary clutter detracting from the original decorative railings to the balcony behind. Those to the front boundary of the site are more historically accurate with finials in place however and the condition would not apply to those front boundary railings. The enclosure of the parking space to the front garden is welcomed in design terms.

Given the above therefore, the works proposed are considered to be acceptable in design and conservation terms and would accord with Policies DES1, DES5, DES9 and DES 10 in the UDP and S25 and S28 in the City Plan.

In response to reconsultation, neighbours have stated that the proposals should be refused on the basis of their failure to comply with the new basement policy. However, as this application was submitted before 1st November 2015, which is when the City Council started attributing weight to the new basement policy, it would be unreasonable to uphold the neighbours' request on this occasion.

8.3 Residential Amenity

Given its limited external manifestations; the proposed basement extension, once built, would have no impact on the amenities of neighbouring properties in terms of loss of daylight, outlook or sense of enclosure, and would therefore comply with Policy ENV13 of the UDP and policy S29 of the Westminster City Plan.

Concerns raised with regard to the noise, disturbance and pollution during an extensive construction period are noted and whilst this can be mitigated to some extent by conditions, it cannot constitute a reason for withholding planning permission. Such conditions are discussed further in section 8.12 of this report.

8.4 Transportation/Parking

The proposal would result in the loss of an existing off-street parking space in the front garden, which would be contrary to policy TRANS23 of the adopted Unitary Development Plan and as such the Highways Planning Manager has recommended refusal of the application on this basis. However, as the existing parking space does not meet current standards, resulting in a parked car overhanging the highway, and given this space is not protected by a condition, a refusal on these grounds cannot be justified.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposal does not have any adverse access implications.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposed basement would rely on mechanical ventilation, which has been indicated on the plans. An acoustic report has been submitted with the application which the City Council's Environmental Health Officers have agreed satisfactorily demonstrates that it would not cause undue noise and disturbance to the detriment of the amenities of neighbouring occupiers, subject to standard conditions.

Refuse /Recycling

The proposal does not increase the number of residential units on the site. It is therefore expected that the existing arrangements could reasonably be maintained.

Trees

Concerns were raised by the Arboricultural Officer in respect of the failure to provide 1.2m of soil depth above the basement in both the front and rear gardens. However, this has subsequently been addressed. Given the existing hard landscaping in the front and rear gardens, and the provision of 1.2 metres of soil depth as well as soft landscaping, the concerns raised by neighbouring occupiers in respect of the loss of gardens and green spaces cannot be supported.

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

The scheme is of insufficient scale to require the submission of an EIA.

8.12 Other Issues

Basement

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. Such concerns have been raised by many neighbouring occupiers. The letters of objection received refer specifically to the impact on the structural integrity and stability of adjoining buildings which they believe cannot withstand such extensive works and the impact on the water table which could cause damp problems.

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 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 reports provided and consider that the proposed construction methodology appears satisfactory. Should permission be granted, these statements will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with them. The purpose of the reports 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, cited above. To go further would be to act beyond the bounds of planning control.

The City Council have been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. Last year the City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (24th October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Consultation on a revised formal policy, 'Draft Basements Policy', has been carried out, and it will form part of the local plan (replacing the UDP) once adopted. Weight will be afforded to parts of this policy for applications submitted after 1st November 2015. It is therefore not a material consideration in the determination of this application which was submitted on the 10th August 2015.

Given the above, and in these circumstances, though noting the strong objections which have been received, the objections on these grounds are not considered sustainable.

Construction impact

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, the timescale for the proposed construction phase and general disturbance associated with construction activity.

Whilst planning permission cannot be withheld on the basis of these objections, a Construction Management Plan is required at validation stage and has therefore been submitted with the application. This is considered appropriate and reasonable at application stage. However, a condition is recommended to secure a more fully detailed construction management plan prior to the commencement of works. A

further condition is recommended to control the hours of construction works, particularly noisy works of excavation, which whilst it is inevitable that all construction works will have some impact on neighbours, should go some way to addressing the concerns of residents. A condition is also recommended to limit the building hours.

Other Neighbour Objections

An objection has been received on grounds that the certificate of ownership submitted with the application had been incorrectly signed because notice had not been served on the owners of adjoining buildings despite the scheme involving works to, and underneath, shared boundary/party walls.

This position was amended during the course of the application and notice under Certificate B has now been served by the applicants on all the adjoining occupiers. No prejudice is considered to have been caused to any party by the initial oversight. There is however nothing to prevent any person applying for planning permission in respect of a property that they do not own. Any ownership issues and any consents other than planning permission, for instance under the Party Walls Act or Landlords Consent, would be a private matter and could not be considered under this application.

A neighbouring occupier in Bridstow Place requested that the planning officer visited their property to assess the impact of the proposed works. However, as a site visit had already been carried out and it was evident at that time that there were no windows in Bridstow Place overlooking the application site, a further site visit was not considered to be necessary. It is apparent that this particular neighbour's concerns are mainly related to structural issues, which have been addressed in comments by the City Council's Building Control Officers.

Party wall matters, including underpinning and the installation of the new green wall should be dealt with as part of a party wall agreement.

Allegations made against the applicant are not material planning considerations.

9. BACKGROUND PAPERS

1. Application form.
2. Response from Thames Water, dated 2 September 2015.
3. Response from Notting Hill East Neighbourhood Forum, dated 9 September 2015.
4. Response from Arboricultural Officer, dated 3 September 2015.
5. Response from Plant And Equipment, dated 11 September 2015.
6. Response from Highways Planning Manager, dated 20 October 2015.
7. Response from Building Control, dated 7 December 2015.
8. Letter from occupier of 25 Bridstow Place, London, dated 6 September 2015.
9. Letter from occupier of Garden Flat, 1A St Stephen's Crescent, dated 7 September 2015.
10. Letter from occupier of 17 Bridstow Place, London, dated 9 September 2015.
11. Letter from occupier of 29A Bridstow Place, London, dated 21 September 2015.
12. Letter from occupier of 25 Bridstow Place, London, dated 1 October 2015.

13. Letter from occupier of 1 Talbot Rd, London, dated 2 October 2015.
14. Letter from occupier of 12 Bridstow Place, dated 1 March 2016
15. Letter from occupier of 11 Bridstow Place, dated 2 March 2016
16. Letter from occupier of 25 Bridstow Place, dated 2 March 2016
17. Letter from occupier of 17 Bridstow Place, dated 2 March 2016
18. Letter from occupier of 10A Chepstow Road, dated 4 March 2016
19. Letter from occupier of Garden Flat 1A St Stephen's Crescent, dated 5 March 2016
20. Letter from occupier of 29A Bridstow Place, dated 7 March 2016.

(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 CLAIRE BERRY ON 020 7641 4203 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

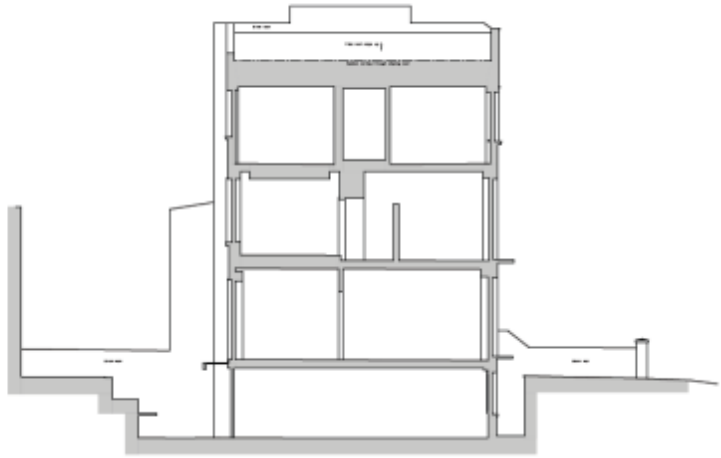
10. KEY DRAWINGS



PTP	
architects	
London	
238, Waterloo Road	
London, W1R 2AF	
Tel: +44 (0)20 7333 3399	
E-mail: info@ptparchitects.co.uk	
www.ptparchitects.co.uk	
Project No: 660150-04-M	
Client: 660150-04-M	
Date: 20 May 2016	
Scale: 1:100 @ A3	
Project Name: Front & Rear Elevations & Section E-E	
Drawn by: J. [Name]	
Checked by: [Name]	
Approved by: [Name]	
Date: 20 May 2016	
Scale: 1:100 @ A3	



PTP	
architects	
London	
Waterloo Courtland	
238 Waterloo Road	
London W1R 2AF	
Tel: +44 (0)20 7333 3399	
E-mail: info@ptparchitects.co.uk	
www.ptparchitects.co.uk	
Site: 66 CHEPSTOW ROAD	
Proj No: 660150-04-M	
Title: Front & Rear Elevations & Section E-E	
Date: 20 May 2016	
Scale: 1:100 @ A3	
Drawn scale 1/100 from drawing: 1	
All dimensions to be checked on site	
Rev	Date
C	06/05/16
D	09/05/16
E	12/05/16
F	17/05/16
G	20/05/16
H	23/05/16
I	26/05/16
J	29/05/16
K	01/06/16
L	03/06/16
M	06/06/16
N	09/06/16
Leaf Position: 1/10	
W - Bricked enclosed courtyard and glazed bridge to former rear range of building	
L - Lateral windows were removed rather than glassed in like construction of 17 upper glass	
K - Proposed option	
J - Internal courtyard amended & glass bridge replaced with brick floor, see plan	
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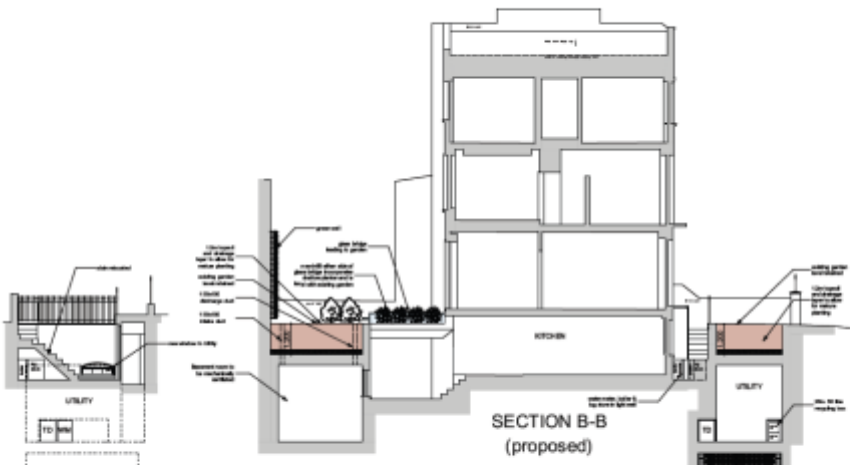


SECTION B-B
(existing)

Datum 17.00 m

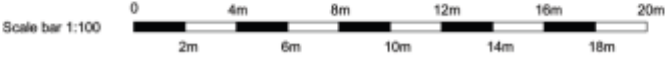


PTP	
architects London	
Wilbur Courtland 229 Wilbur Road Holland Park London W11 4BT Tel: 0207 231 5348 E-mail: mail@ptparchitects.com	
No. 64 CHEPSD W ROAD	
Drawn: 08/2015	
Title: Section B-B existing	
Date: 22/05/15	
Scale: 1:50 (A3, landscape)	
Do not scale this drawing. All dimensions to be checked on site.	
Rev. Date	
Author: PTP	
Check: PTP	
Drawn: PTP	



SECTION B-B
(proposed)

SECTION F-F
(proposed)



PTP	
architects London	
Wilbur Courtland 229 Wilbur Road Holland Park London W11 4BT Tel: 0207 231 5348 E-mail: mail@ptparchitects.com	
No. 64 CHEPSD W ROAD	
Drawn: 08/2015	
Title: Sections B-B & F-F	
Date: 20 May 2015	
Scale: 1:100 (A3)	
Do not scale this from drawing. All dimensions to be checked on site.	
Rev.	Date
D	08/2015
E	12/2015
F	12/2015
G	2/2016
H	12/2015
J	20/2/15
K	20/2/15
L	12/2/15
M	18/2/15
Lead Position: void	
M	Revised enclosed courtyard and glazed bridge
L	Lowered enclosure over courtyard after site of glazed bridge completed out of option phase
K	Existing brick wall to background added to Section B-B
J	Proposed revised
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DRAFT DECISION LETTER

Address: 66 Chepstow Road, London, W2 5BE,

Proposal: Excavation of a two storey basement extension below front garden, enlargement of front lightwell, provision of new front boundary treatment, excavation of single storey basement below rear garden with rooflights within rear garden and new landscaping to rear garden, including green wall to rear boundary (Amended scheme - alterations to front and rear gardens including lowering of basement).

Plan Nos: 66CR/01, 66CR/02, 66CR/03, 66CR/04, 66CR/05, 66CR/06, 66CR/09, 66CR/50-01 L, 66CR/50-02 F, 66CR/50-03 M, 66CR/50-04 M, 66CR/50-05 H, 437/M01 and Design and Access Statement.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

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 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 Westbourne 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 Notwithstanding the annotations shown on the submitted drawings, the new railings flanking the front lightwell shall have a flat handrail to their top with no finials projecting above, and shall be formed in black painted metal.

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 Westbourne 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 Notwithstanding the annotations shown on the submitted drawings, the new railings to the front boundary of the site shall be individually set into a stone plinth and shall rise to the top rail without the intervening horizontal bar shown on drawing 66CR/50-04C included, with finials above the top rail. They shall be formed in black painted metal.

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 Westbourne 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 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of

operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 7 The plant equipment must not operate until the mitigation measures specified in Part 7 of the Plant Noise Impact Assessment by eec dated 29 June 2015 have been installed and shall be retained for as long as the plant equipment remains in use.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 9 **Pre Commencement Condition.** Notwithstanding the Construction Management Plan submitted at application stage, no development shall take place, including any works of demolition, until a detailed 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 The applicant is advised that compliance with condition 6 requires the Airflow DV72 HRU unit to be fitted with an attenuator as per section 7.09 and 7.10 of the submitted acoustic report.

- 3 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.

- 4 Thames Water have offered the following advice:

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

- 5 The applicant is advised that drawing no. 437/M01 is approved in relation to the details of the proposed ventilation only and does not confer permission for the alternative layout for the front and rear gardens.

- 6 Conditions 6 and 7 control noise from the approved machinery. It is very important that you meet

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the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)

DRAFT DECISION LETTER

Address: 66 Chepstow Road, London, W2 5BE,

Proposal: Excavation of a two storey basement extension below front garden, enlargement of front lightwell, provision of new front boundary treatment, excavation of single storey basement below rear garden with rooflights within rear garden and new landscaping to rear garden, including green wall to rear boundary. Associated internal alterations.

Plan Nos: 66CR/01, 66CR/02, 66CR/03, 66CR/04, 66CR/05, 66CR/06, 66CR/09, 66CR/50-01 L, 66CR/50-02 F, 66CR/50-03 M, 66CR/50-04 M, 66CR/50-05 H, 437/M01 and Design and Access Statement.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 Notwithstanding the annotations shown on the submitted drawings, the new railings flanking the front lightwell shall have a flat handrail to their top with no finials projecting above, and shall be formed in black painted metal.

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 sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 Notwithstanding the annotations shown on the submitted drawings, the new railings to the front

boundary of the site shall be individually set into a stone plinth and shall rise to the top rail without the intervening horizontal bar shown on drawing 66CR/50-04C included, with finials above the top rail. They shall be formed in black painted metal.

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 sections 5 and 6 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 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.