

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 5 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	19 Kildare Gardens, London, W2 5JS,		
Proposal	<u>15/11065/FULL – (Application 1)</u> Erection of single storey extension to rear closet wing at second floor mezzanine level floor level to enlarge existing dwellinghouse. <u>15/11086/FULL – (Application 2)</u> Construction of basement under part of existing building and part of rear garden with rear lightwell and erection of rear extension at lower ground floor level and alterations to fenestration in rear elevation.		
Agent	Mr Ian Hume		
On behalf of	Mr Guillermo Baygual		
Registered Number	15/11065/FULL 15/11086/FULL	Date amended/ completed	27 November 2015
Date Application Received	27 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Application 1 - Grant conditional permission
Application 2 - Grant conditional permission

2. SUMMARY

Planning permission is sought for 'Erection of single storey extension to rear closet wing at second floor mezzanine level floor level to enlarge existing dwellinghouse.' (Application 1) and 'Construction of basement under part of existing building and part of rear garden with rear lightwell and erection of rear extension at lower ground floor level and alterations to fenestration in rear elevation.' (Application 2)

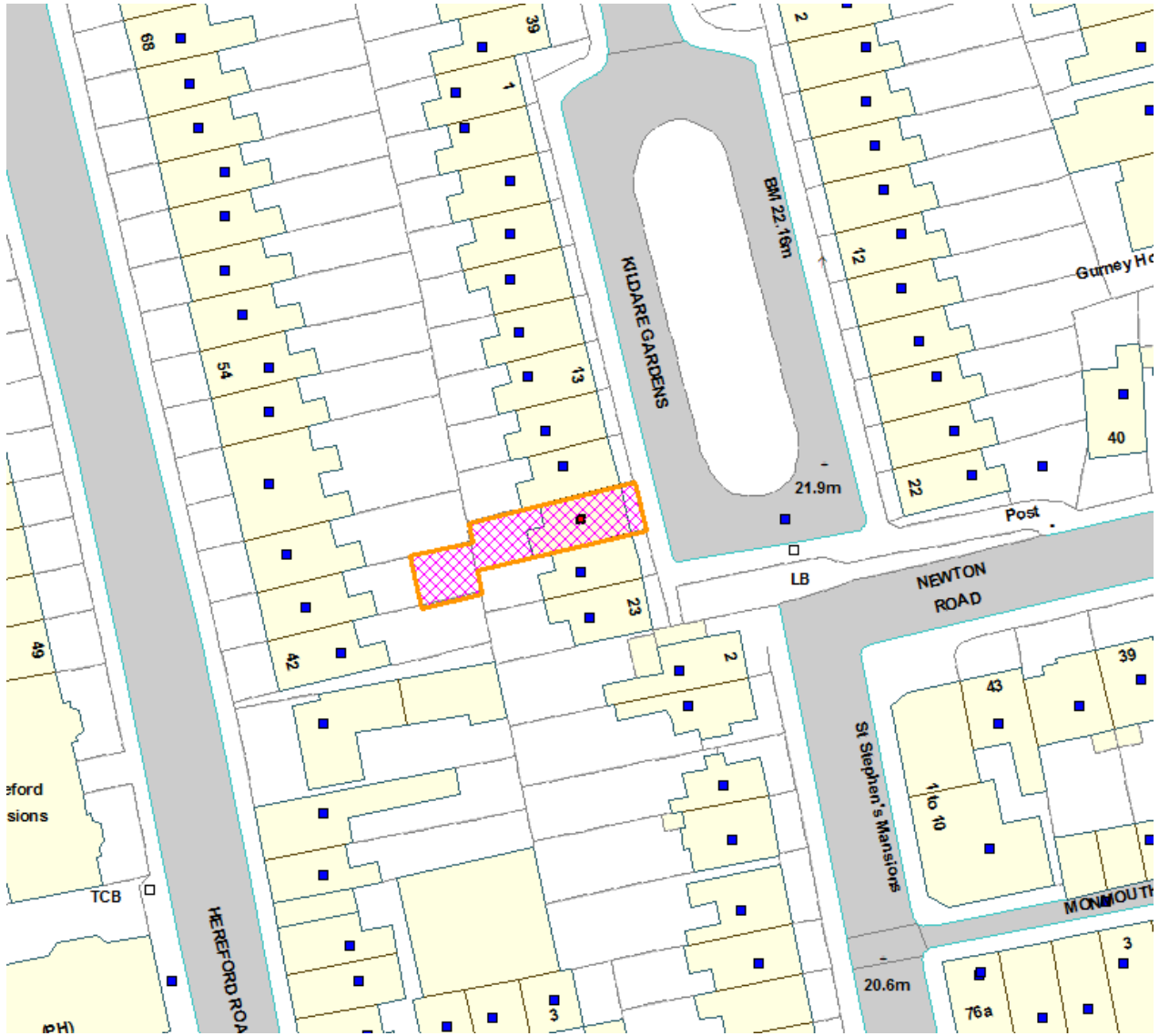
The key issues in this case are:

- The impact on the appearance of the building and the character and appearance of the local surroundings.

- The impact that the construction of the proposed basement will have on the host property as well as neighbouring properties.
- The construction management plan and the impact that construction works will have on neighbours in regards to amenity and access to parking/road access.

For the reasons set out in the report, it is not considered that permission could reasonably be refused on design, amenity and highways grounds and that both schemes are acceptable in all other regards and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan). As such, the applications are recommended for approval, subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS

19 Kildare Gardens – View of front elevation



View of existing closet wing (Application 1)



View of rear elevation focusing on the area for the proposed infill extension. (Application 2)



View into rear garden of No. 19



5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION - Application 1

From drawings and photographs supplied extension appears very large and does not preserve or enhance the Westbourne Conservation Area.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION - Application 2

Objection raised on the grounds that originally they weren't consulted on the proposal. Following consultation, no comments received.

HIGHWAYS PLANNING - Application 2

No objection. Acceptable on transportation grounds.

HIGHWAYS LICENSING – Application 2

Details of vehicle size required to make a full assessment

ARBORICULTURAL SECTION – Application 2

No objection - provided that the remaining area of the garden is adequately protected from the risk of soil contamination or compaction, preferably by means of protective fencing across the entire garden area.

BUILDING CONTROL – Application 2

No objection to basement excavation however it is noted that a protected staircase is required for the proposed basement.

ENVIRONMENT AGENCY (THAMES REGION) – Application 2

No comment to date

THAMES WATER UTILITIES LTD – Application 2

No comment to date

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

Application 1

No. Consulted: 158; Total No. of replies: 5 letters/ emails received from 4 respondents raising objection on all or some of the following grounds:

DESIGN

- The extension of the closet wing at third floor level will have a detrimental visual impact
- The extension is not in keeping with the character of the Victorian property.

AMENITY

- Natural light to adjacent properties will be reduced.
- Extension will have a detrimental impact on privacy of adjacent properties.

HIGHWAYS

- There will be a negative impact on traffic flow, road access, parking and servicing as a result of construction works.

OTHER

- Lack of communication with owners
- Request that application be referred to Planning Committee.

Application 2

No. Consulted: 180; Total No. of replies: 21 letters/emails received from 15 respondents raising objection on all or some of the following grounds:

DESIGN

- The works are not in keeping with the character of the gardens/terrace houses.

AMENITY

- Noise disruption to neighbours

-

HIGHWAYS

- Traffic congestion due to construction works
- Limited parking due to construction/excavation works.
- No/limited access for emergency vehicles during construction
- Danger to life due to vehicle access

OTHER

- Structural strain on the adjacent properties.
- Extension of non-porous surface could reduce rain water absorption which could affect adjacent gardens.
- Request for consultation with the architect/engineer
- The proposed works are not suitable for the host property.
- Loss of mature tree and wildlife habitat
- Request that application be referred to Planning Committee
- Insufficient work has been done to explore the structural impact of the development
- Subsidence to surrounding buildings
- Historic significance of gardens will be reduced.
- Objection to the construction management plan
- Resident bay suspensions should not apply after 5.30 p.m. weekdays and not at all at weekends.
- The main contractor should supervise subcontractors at all times.

Consultation following amendments to the scheme (plans were subsequently made available and additional time allowed for comments by neighbours).

DESIGN

- The resulting structure will remain disproportionate to other houses in the gardens/terrace, despite being reduced in size from the original plan.

OTHER

- While clearly the alteration at the back of the property to reduce the height of the rear extension is welcome, the fundamental problem of the subterranean basement has not been addressed.
- Objection to the sub-basement and excessive digging to garden.
- The construction management plan is inadequate given the challenges presented by the road layout
- Water and damp issues as a result of the development
- The construction of the basement is misleading

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is 19 Kildare Gardens, London, W2 5JS, which is an unlisted 5 storey terraced single family dwelling located in the Westbourne Conservation Area. The surrounding area consists of similar terraced properties which remain in residential use.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Application 1

Permission is sought for an extension to the existing closet wing at second floor mezzanine level. The additional space is to function as a bathroom to serve the three bedrooms at third floor level. During the course of the application, without officer guidance, amended plans were submitted showing a reduction in the height of the extension.

The proposed extension will be constructed with London stock bricks to match the existing brickwork. It will align with the height of the existing closet wing to the rear of NO. 23, but be lower than that of No. 17, with a painted timber double glazed sash window.

Application 2

Permission is sought for the construction of a basement under part of existing building and part of the rear garden with a rear lightwell and the erection of a rear extension at lower ground floor level including alterations to the fenestration of the rear garden.

During the course of the application amended plans have been received showing a reduction in the height of the extension from 2 storeys to a single storey at lower ground floor level. This follows concerns raised by officers that the scale of a 2 storey extension would visually dominate the host building and therefore fail to preserve or enhance the character and appearance of the conservation or comply with Policy DES 5. Additionally it was proposed to replace the existing window with a pair of casement doors and a Juliette balcony at first floor level which was considered to be uncharacteristic on building of this age and architectural style; this has been omitted from the scheme. These amendments have addressed the concerns raised.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional residential floorspace would accord with policy H3 of the Council's Unitary Development Plan (UDP) and policy S14 of Westminster's City Plan: Strategic Policies.

8.2 Townscape and Design

Application 1

The terrace in which the application site sits, is relatively uniform in terms of the height of the rear closet wings. However this uniformity is broken by no.17, which rises up the full height of the rear elevation and the closet wings at no's. 19 and 21 which are approximately 1.5 metres shorter than the closet wings to the north of no.17 in the same terrace. Additionally no.23 has implemented a planning permission granted in January 2009 (08/10532/FULL), which gave permission for the erection of a closet wing extension at second floor half landing level. In this context it is considered that the proposed extension at no.19 would not significantly harm the uniformity of the terrace as a whole and therefore would not harm the character and appearance of the Westbourne Conservation Area.

Policy DES 5 of the UDP seeks the highest standards of design in alterations and extensions. As the extension is not considered to adversely affect the character of the building or the character of the terrace, will not rise above the penultimate roof storey and is of a scale, form design and uses materials which are consistent with the host building and its setting, it is considered to comply with the aims of the policy.

Neighbour objections were received on the grounds that the extension of the closet wing at third floor level will have a detrimental visual impact and that the extension is not in keeping with the character of the Victorian property. Whilst it is noted that this alteration will be highly prominent in private views from the opposite buildings in Hereford Road, given the existing lack of uniformity deriving from the height of the closet wings to no.17 and no.23 the appearance of this part of the terrace has already been compromised and therefore the extension is not considered to result in an elevation which is visually detracting.

An objection has been received from the local amenity society on design grounds on the basis of the scale of the extension and that it would not be in keeping with the character of the Westbourne Conservation Area. Further consultation comments have been received, objecting on design grounds in relation to the extension being out of proportion with the architectural style and scale of the Victorian property. However, given that the proposed extension would be of modest scale which will not detract from the prevailing height of closet wings in the same terrace to the north of no17; would not project above the penultimate storey of the host building and would be constructed in materials that match the host building, it is not considered that the objections raised can be supported.

The extension is considered to preserve and enhance the appearance of the host building and the character and appearance of the Westbourne Conservation Area and is in accordance with UDP policies DES 1, DES 5 and DES 9 as well as S25 and S28 of the City Plan.

Application 2

The proposed basement is considered to comply with Policy CM28.1 of the City Plan as it does not extend beneath more than 50% of the garden land, a proportion margin of undeveloped land has been retained around the site boundary and the retained soil depth appears to be adequate. Whilst guidance provided in Westminster's SPG Basement Development advises that the most sympathetic location of a new lightwell would be against the rear elevation of the host building, given that the proposed lightwell will be positioned against the rear elevation of the proposed extension, the lightwell is considered to have a limited impact on the character and appearance of the conservation area given the historic extensions and alterations that have occurred at the rear. As proposed the lightwell will be 1.4 metres deep; given that its footprint will not extend beyond the built line of the existing rear extension in this instance this scale is considered to be acceptable in design terms.

With regards to the infill extension at lower ground floor level, Policy DES5 of the adopted Unitary Development Plan seeks to ensure that these are confined to the rear of the existing building, do not visually dominate the existing building, are in scale with the existing building and its immediate surroundings and their design reflects the style and details of the existing building.

An objection was received on the grounds that the resulting structure will remain disproportionate to other houses in the gardens/terrace, despite being reduced in size from the original plan. With regards to the infill extension at lower ground floor level, its form, materials and detailed design comprise of a lightweight addition, consisting primarily of glazing set within a metal frame, with zinc cladding to provide a visual separation between the glass and brick closet wings. A contemporary approach is not considered to be contentious as it is an honest method which allows for the historic core to be interpreted. As revised the proposed scale is not considered to visually dominate the host building as will be seen as a subservient addition. Therefore the extension will have a limited impact on the character and appearance of the conservation and complies with Policy DES 5.

The rear extension and introduction of a lightwell are considered to preserve the character and appearance of the Westbourne Conservation Area and comply with Policy DES 5 and DES 9 of the UDP as well as S25 and S28 of the City Plan.

8.3 Residential Amenity

Noise

Objections were received on noise grounds. As no mechanical plant is proposed to the basement the objections are not considered sustainable.

Sunlight and Daylight

An objection was received on the grounds that natural light to adjacent properties will be reduced. The closet wing at no.17 already rises up the full height of the rear elevation and at no. 21 is approximately 1.5 metres shorter. As the proposed extension at no.19 would remain below the cill level of the neighbouring third floor level windows, it is not considered that the proposal raises significant sunlight and daylight concerns.

The proposed lower ground floor infill extension and basement raise no sunlight/daylight issues.

Privacy

An objection was received from a resident of Kildare Terrace in terms of a loss of privacy. Although an additional window is being introduced within the rear closet wing extension at third floor level, it is not considered that this will have a significant impact on the privacy of the opposite property at 44 Hereford Road as there are already several windows at the rear of the property. It therefore considered that the objection is not sustainable.

The lower ground floor extension and basement raise no privacy issues.

8.4 Transportation/Parking

The proposals will have no impact upon the highway.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy Considerations

Trees

The proposed rear extension would be constructed within the Root Protection Area (RPA) of a multi-stemmed lime tree in the rear garden of the neighbouring property (believed to be 21 Kildare Gardens).

The applicants have submitted an arboricultural impact assessment (AIA) in support of the proposal. The AIA considers that the garden boundary walls will be acting as a barrier to tree roots growth and, furthermore, that as the 'breach' into the RPA is minor and will have little impact on the tree.

It is true that the incursion into the circular RPA of the tree is minor. However, the arboricultural consultant has not modified the RPA to take into account the restrictions to root growth caused by adjacent structures. The circular RPA is actually constrained on the east side by the rear of the property at 21 Kildare Gardens and on the south by the property at 40 Hereford Road. The RPA should be modified to take these structures into account, which would mean that the incursion into the RPA is likely to be a greater proportion than shown.

A trial excavation has been carried out along the boundary wall to determine the depth of foundations and the presence of any tree roots. The excavation was carried out to just below the underside of the foundations and it would have been desirable for the excavation to have been slightly deeper. However, the foundations themselves appear to be at least 60cm below ground level, and they are likely to be restricting root growth in the rear garden of 19 Kildare Gardens. Notwithstanding the forgoing, the Arboricultural manager has not raised an objection, but states that the remaining area of the garden should be adequately protected from the risk of soil contamination or compaction. A condition to secure protective fencing across the entire garden area is therefore recommended.

Basement Excavation

Objections have been received over the level of excavation proposed and in relation to the structural information provided.

This issue is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

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

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural

engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

Comments have been received on the grounds that the investigation works, the hydrological assessment, water table details and details of ground movements are inadequate and that there are discrepancies with the submitted reports.

The applicant's documents have been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Neighbour objections have also been received on the grounds that water and damp issues will occur as a result of the development. An investigation by Aviron Associates Ltd has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible.

The City Council's Building control manager has stated that the floor plans by TOTEM Studio Architecture are not in accordance with the fire regulations as the ground and lower ground floors are open plan. A recommendation for a protected staircase for the proposed basement has been put forward. This will be secured through Building Regulations.

Construction Management Plan/ Noise and Disruption During the Course of Works

Several neighbour objections were received on the grounds that the construction management plan is inadequate given the challenges presented by the road layout. A further objection was raised stating that there will be a negative impact on traffic flow, road access, parking and servicing as a result of construction works.

The City Council's internal Highways Licensing manager has assessed the construction management plan and whilst there are no objections in principle to the plan, they have stated that the swept path analysis provided within the Construction Management Plan

does not give a clear indication of smooth passage. It is therefore recommended that a condition be imposed requesting an amended construction management plan which will confirm what size vehicle (concrete, steel, muck away) in terms of length, width and axles will be used and that this will be limited to the vehicle size stipulated which can be inserted in the temporary structure licence agreements. It is also recommended by Highways Licensing that a trial display/dummy run to show the manoeuvre will not look out of place be carried out in order address neighbour concerns. It should be noted that these details will only be requested in relation to the application for the basement works.

There are no objections in regards to the suspension of parking bays along Kildare Gardens during the course of works.

In terms of noisy works, a standard condition to control house of building works is recommended. It should be noted that this differs between the two applications and with regards to the basement application, this includes specific restrictions for basement excavation work which can only be carried out between 08.00 and 18.00 Monday to Friday, 08.00 and 13.00 on Saturday and not at all on Sundays and Bank Holidays.

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 environmental impacts of the proposed development are not significant and the development is of insufficient scale to warrant the submission of an Environmental Impact Assessment.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

Application 1

1. Application form
2. Letter from South East Bayswater Residents Association dated 13 and 30 December 2015
3. Letter from occupier of 21 Kildare Gardens, London, dated 28 December 2015
4. Letter from occupier of Ground Floor Flat, 16 Kildare Terrace, dated 31 December 2015
5. Letter from occupier of Flat 4, 13 Kildare Gardens, dated 10 January 2016
6. Letter from occupier of 28 Kildare Terrace, London, dated 11 January 2016

Application 2

1. Application form
2. Letter from South East Bayswater Residents Association dated 23 December 2015
3. Memo from the Arboricultural Manager dated 9 March 2016.
4. Memo from the Highways Planning Manager dated 18 February 2016
5. Email from the Highways Licensing Manager dated 3 March 2016
6. Email from the Building Control Manager dated 3 March 2016
7. Letter from occupier of 21 Kildare Gardens, London, dated 28 December 2015
8. Letter from occupier of 14 Kildare Gardens, London, dated 31 December 2015
9. Letter from occupier of Ground Floor Flat, 16 Kildare Terrace, dated 31 December 2015
10. Letter from occupier of 8 Kildare gardens, London, dated 3 January 2016
11. Letters from occupier of 16 Kildare Terrace, London, dated 5 January and 10 March 2016
12. Letter from occupier of 18 Kildare Terrace, London, dated 6 January 2016
13. Letters from occupiers of 14 Kildare Terrace, London, dated 9 January, 10 January and 23 February 2016
14. Letter from occupier of 28 Kildare Terrace, London, dated 11 January 2016
15. Letters from occupier of 25 Alexander Street, London, dated 12 January and 19 February 2016
16. Letter from occupier of 23 Kildare Gardens, London, dated 12 January 2016
17. Letters from occupier of 22 Kildare Terrace, London, dated 14 January, 20 February and 14 March 2016
18. Letter from occupier of 31 Kildare Terrace, London, dated 19 January 2016
19. Letter from occupier of 28 Kildare Terrace, London, dated 20 February 2016
20. Letter from occupier of 21 Kildare Gardens, London, dated 22 February 2016

Selected relevant drawingsApplication 1

1. Proposed Elevations, Proposed section

Application 2

2. Proposed basement floor plan, Proposed Street Elevation, Proposed rear elevation, Proposed rear elevation.

(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 KIMBERLEY DAVIES ON 020 7641 5939 OR BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS

Application 1

1. PROPOSED STREET ELEVATION

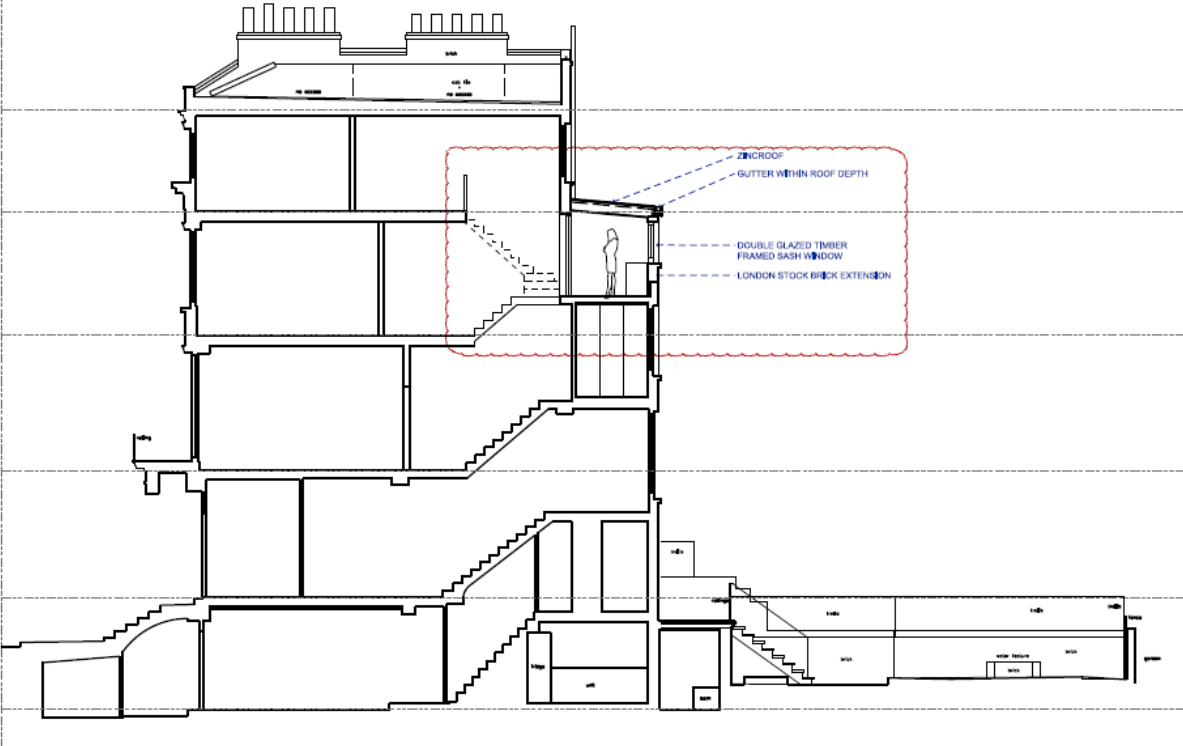


2. PROPOSED REAR ELEVATION

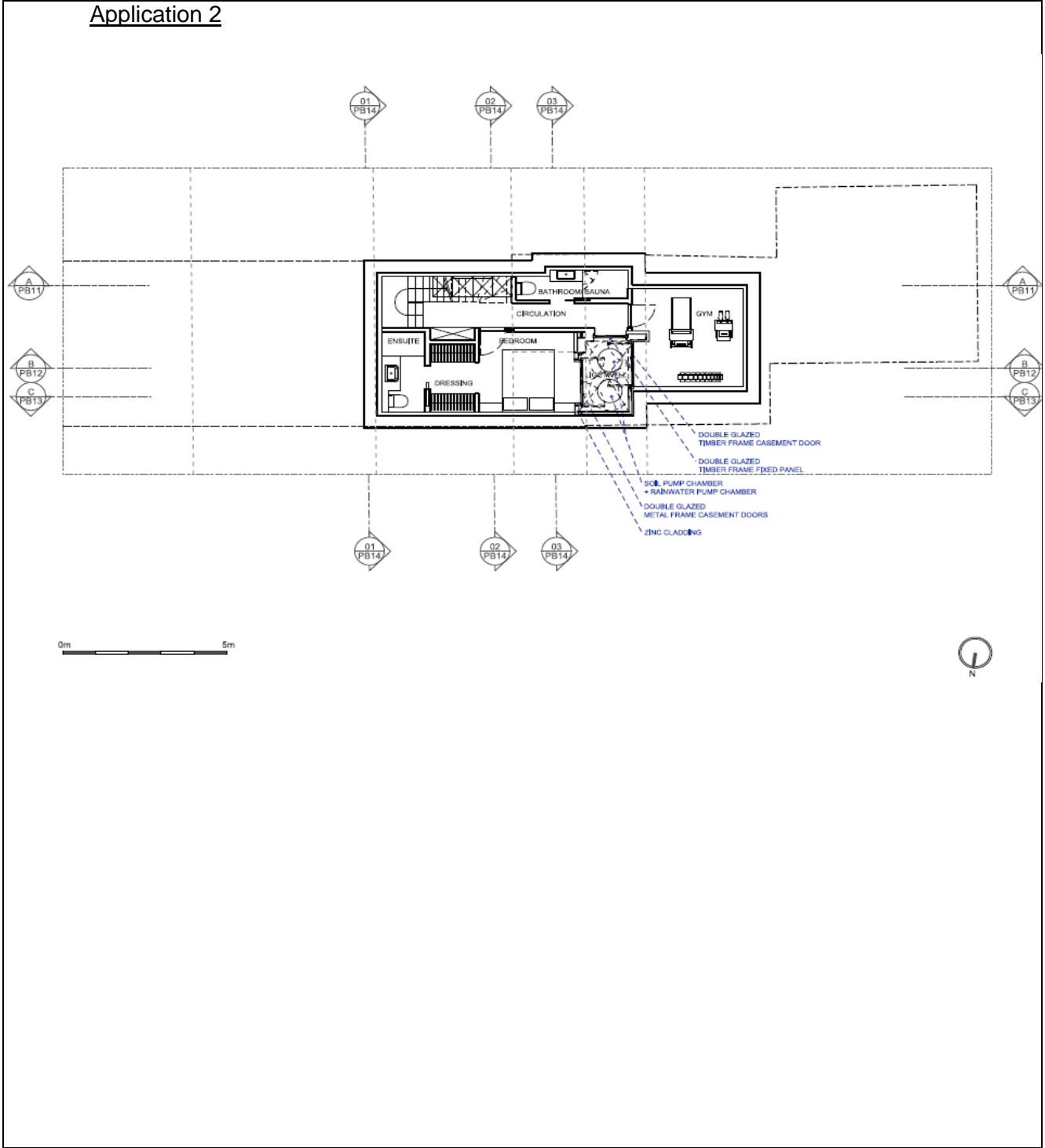


0m 5m

Proposed section



Application 2



1. PROPOSED STREET ELEVATION



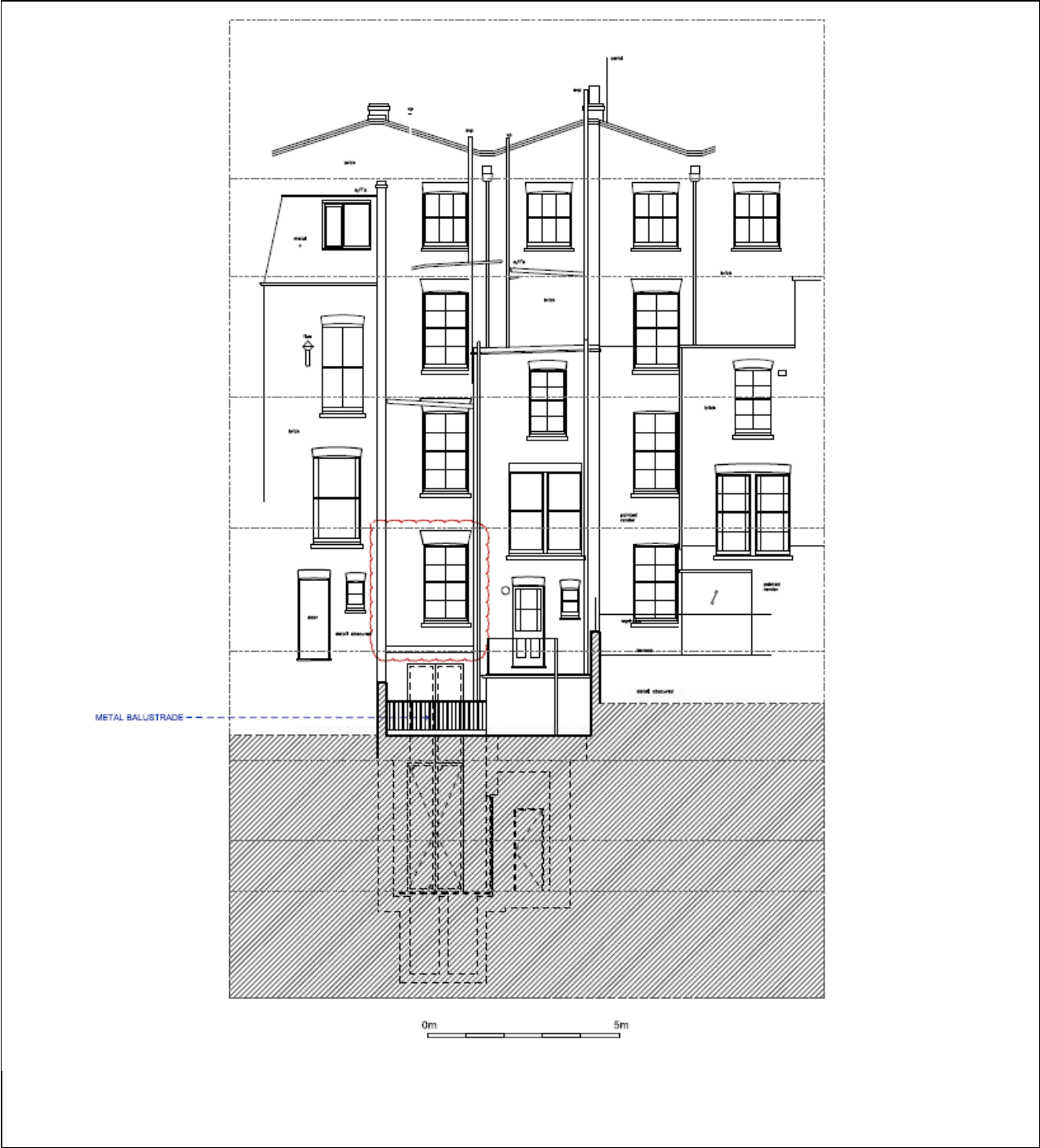
2. PROPOSED REAR ELEVATION



- DOUBLE GLAZED METAL FRAME CASEMENT DOORS
- ZINC CLADDING
- DOUBLE GLAZED METAL FRAME CASEMENT DOORS
- DOUBLE GLAZED TIMBER FRAMED FIXED PANEL



Proposed rear elevation



DRAFT DECISION LETTER – (15/11065/FULL)

Address: 19 Kildare Gardens, London, W2 5JS,

Proposal: Erection of single storey extension to rear closet wing at second floor mezzanine level floor level to enlarge existing dwellinghouse.

Reference: 15/11065/FULL

Plan Nos: Design and Access Statement, D001, D002, D003, D004, D005, D006, D007, D008, D009, D011, S001, S002, S003, S004, S005, S006, S007, S008, S009, S010, PA01, PA02, PA04, PA05, PA06, PA07, PA08 Rev 0.1, PA09 Rev 0.1, PA10 Rev 0.1, PA11 Rev 0.1, PA12, PA13, PA14.

Case Officer: Agnes Hagan

Direct Tel. No. 020 7641 5651

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. (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 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 You must apply to us for approval of a sample panel of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 Notwithstanding details shown on approved drawings the window hereby permitted shall be timber, traditionally constructed with integrated glazing bars and be painted white and maintained as such thereafter.

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)

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.

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.

DRAFT DECISION LETTER – (15/11086/FULL)

- Address:** 19 Kildare Gardens, London, W2 5JS,
- Proposal:** Construction of basement under part of existing building and part of rear garden with rear lightwell and erection of rear extension at ground floor level and alterations to fenestration in rear elevation.
- Reference:** 15/11086/FULL
- Plan Nos:** Site Location Plan, Design and access statement, L(23)01 Rev. P2,L(23)02, L(23)03 Rev. P2, Rev. P2 L(23)04 Rev. P2, L(23)05 Rev. P2, L(23)06 Rev. P2, S009, AIA REV B, , VIEW 1, VIEW 4, VIEW 6, VIEW 7, VIEW 8,VIEW 10, Proposed rear extension renderings, DB01, DB02, DB03, DB04, DB05, DB06, DB07, DB08, DB09, DB11, PB01, PB03, PB04, PB05 REV 0.2, PB06,PB07, PB08, PB09, PB10 REV 0.3, PB11, PB12 REV 0.3, PB13 REV 0.3, PB14 REV 0.3, S001, S002, S003, S004, S005, S006, S007, S008, S010, Construction Management Plan; For Information Only: Structural Engineer's Method Statement.

Case Officer: Agnes Hagan

Direct Tel. No. 020 7641 5651

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 09.00 and 17.00 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 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 You must not use the roof of the infill extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 6 Notwithstanding details shown on approved drawings the railings hereby permitted shall be painted black and maintained as such thereafter.

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)

- 7 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, 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)

- 8 **Pre Commencement Condition.** You are required to submit to the City Council an approval of details application to confirm what size vehicle (concrete, steel, muck away) in terms of length, width and axles will be used and that this will be limited to the vehicle size stipulated which can be inserted in the temporary structure licence agreements. 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 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 6 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 7 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.

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.