

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 15 August 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Queen's Park	
<b>Subject of Report</b>	<b>113 Fifth Avenue, London, W10 4DR</b>		
<b>Proposal</b>	Erection of a single storey side in fill extension.		
<b>Agent</b>	Mr Chris Fidler		
<b>On behalf of</b>	Mr Ross Barr		
<b>Registered Number</b>	17/02978/FULL & 17/02979/LBC	<b>Date amended/ completed</b>	13 July 2017
<b>Date Application Received</b>	5 April 2017		
<b>Historic Building Grade</b>			
<b>Conservation Area</b>	Queens Park Estate		

## 1. RECOMMENDATION

Subject to no new issues being raised when the consultation period on the proposal under Certificate B formally expires on 22 August 2017, resolve to grant conditional permission and listed building consent.

## 2. SUMMARY

113 Fifth Avenue is a grade II listed house within the Queen's Park Estate Conservation Area. It occupies a corner site at the junction with Marne Street. The building is used as a single family dwelling. The proposal is to add a single storey rear extension. The size and design of the extension have been modified during the course of the application. Objections from the adjoining neighbour have been received on grounds of loss of light and increased sense of enclosure as a result of the extension.

The key issues for consideration are:

- The impact on the amenity of neighbouring residents; and
- The impact on the listed building and upon the conservation area.

Notwithstanding the objections received, the revised proposal is considered acceptable and would be in accordance with policies DES 1, DES 5, DES 9, DES 10 and ENV 13 of our UDP; and S25, S28 and S29 of our City Plan.



4. PHOTOGRAPHS

Application Site viewed from junction with Marne Street



Side return of 113 Fifth Avenue





## 5. CONSULTATIONS

### QUEEN'S PARK COMMUNITY COUNCIL:

No response received.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 7

Total No. of replies: 4

No. of objections: 4

No. in support: 0

4 e-mails of objection, commenting upon both the original design and on the revised design, have been received from the same respondent on the following grounds:

#### Amenity

- Loss of light
- Sense of enclosure

PRESS ADVERTISEMENT / SITE NOTICE: Yes

A revised ownership certificate has been provided during the course of the application, with notice served on the neighbour 1 August 2017. The recommendation therefore is to grant planning permission and listed building consent subject to no new issues being raised during the consultation period on the proposal under Certificate B which formally expires on 22 August 2017.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

113 Fifth Avenue lies at the junction with Marne Street. It is a grade II listed building and lies within the Queen's Park Estate Conservation Area. It is a typical Queen's Park Estate building, dating from the 1880s and two storey in height. It has a slightly lower two storey rear wing and a small L-shaped garden area. The interior retains some original historic fabric, such as some surviving joinery, chimney breasts and staircase, but the plan form has been lost to some degree, particularly at ground floor level, which is largely open-plan within the main part of the house. The rear wing at ground floor level is occupied by a narrow galley-style kitchen and the yard area to the side of the rear wing is quite narrow and slightly splayed, ranging in width between 2m and 2.7m. The garden boundary between the application site and the neighbouring property to the south (no.111 Fifth Avenue) is a brick wall measuring 2m in height.

### 6.2 Recent Relevant History

There is no planning history which is directly relevant to the current proposal.

## **7. THE PROPOSAL**

It is proposed to erect a rear extension which would infill the yard space to the side of the existing rear wing to create an enlarged kitchen. The works would include removing the side of the wall of the rear wing, blocking the existing internal door into the kitchen and forming a new internal door opening into the new kitchen in the position of the existing rear sash window, which would result in the removal of the sash window.

The initial application brought the extension to the full depth of the rear wing, with a brick gable end and involved raising the boundary wall by 600mm along the entire length of the extension. However, during the course of the application and in response to the objection raised on amenity grounds and officer concerns about design matters, the proposal has been amended, so that the infill extension is now stepped back from the rear wall of the wing and terminates in a glazed panel, rather than a brick gable; and the roof has been lowered in height so that the height of the boundary wall is now raised by 305mm.

The infill extension is lightweight in appearance, being predominantly glazed, with timber framing and lead dressing.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The enlargement of the existing dwellinghouse is acceptable in land use terms and would accord with Policy H3 in the UDP and Policy S14 in the City Plan

### **8.2 Townscape and Design**

No.113 Fifth Avenue is typical of the houses within the Queen's Park Estate. Until the second half of the nineteenth century, the area now occupied by the Queen's Park Estate was agricultural fields. In 1874, 80 acres of land next to the Harrow Road were purchased for development by the Artisans, Labourers and General Dwellings Company, a housing co-operative founded in 1867 by William Austin. The company's purpose was to build decent accommodation for the working classes at a time when overcrowding and squalid living conditions were rife amongst the poor in London. The houses in the Queen's Park Estate were originally designed by Robert Austin in association with Rowland Plumbe, a young architect who went on to specialise in the provision of social housing. The estate was laid out in terraces of two storey cottages with gardens. Most of the housing within the estate is unlisted, but the houses on Fifth Avenue, between Ilbert Street and Kilburn Lane are grade II listed buildings, possibly because of their slightly grander nature. The primary significance of no.113 is considered to derive from its external appearance, its contribution to the group value of the area and as a component part of this historically important housing development.

In terms of the form of the extension it is considered acceptable in design terms with no adverse impact upon the listed building or the conservation area. The lightweight nature of the design and the slight set-back from the end of the rear wing will ensure that the extension appears as a subordinate addition, which maintains the legibility of the historic

building form. The position of the extension means that it will not be visible from street-views and will have very minimal private views and as such the character and appearance of the conservation area will be maintained.

With respect to the proposed alterations to the listed building, these will involve the loss of the rear sash window and a large part of the side wall of the rear wing; as well as the blocking of the original door into the kitchen. In the case of the window, the former opening will be partially blocked and the brick arch of the window will be preserved externally, thus maintaining a sense of the original arrangement. While the removal of the side wall will change the plan form of the rear wing, again a sense of this original space can be preserved by the presence of a downstand beam and in this case the wall has already been modified with modern windows inserted; and also the plan form to this building has been altered elsewhere. Finally, with regard to the loss of the original internal door, it is considered that it is possible for this to be retained and fixed shut rather than being disposed of and this can be addressed by condition.

As such the impact upon the listed building is quite minimal and the significance of the building is largely protected. The loss of the sash window and the wall of the side extension does result in a small degree of change, but this is not considered to harm the significance of the listed building.

### **8.3 Residential Amenity**

The objections to this proposal have been raised on the grounds of having a harmful impact upon the residential amenity of the neighbouring property, specifically no.111 Fifth Avenue which lies immediately to the south and shares a boundary with the application property. The objections, both to the original proposal and the revised scheme relate to an increased sense of enclosure and loss of light.

In the amended scheme the boundary wall between 113 and 111 Fifth Avenue is proposed to be raised by 305mm for the length of the extension, which would be approximately 11.5m in length. Officers visited the neighbour to assess the impact of the extension.

In terms of enclosure, the existing outlook from the ground floor window of no.111 Fifth Avenue onto the rear yard is dominated by the rear wing to no.113. The ground floor layout to the living room however is open plan and also benefits from the front window. Whilst the rear environment is enclosed to an extent by the existing site conditions, the pitched roof form of the proposed extension and raising of the party wall by 305mm is not considered to result in a substantially different environment in enclosure terms, such that refusal of this application on these grounds could be sustained.

In terms of losses of sunlight, given the proposed extension is located to the north of No. 111 and would be against a two storey rear wing, pursuant to the advice of BRE's 'Site Layout Planning for Daylight and Sunlight' (Second Edition) (published 2011) ("the BRE Guide"), a sunlight assessment would not be required as losses would not be expected. With regards to daylight, the raising of the party wall as revised would not result in any discernible loss of daylight pursuant to the BRE Guide.

In these circumstances it is not considered that refusal of this application on amenity grounds could be supported or sustained.

#### **8.4 Transportation/Parking**

No issues arise from this proposal.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

No access issues arise.

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

No other policy considerations arise.

#### **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.

### **9. BACKGROUND PAPERS**

1. Application form
2. E-mail from occupier of 111 Fifth Avenue, London, dated 15 May 2017
3. E-mail from occupier of 111 Fifth Avenue, London, dated 18 July 2017
4. E-mail from occupier of 111 Fifth Avenue, London, dated 19 July 2017
5. E-mail from occupier of 111 Fifth Avenue, London, dated 24 July 2017

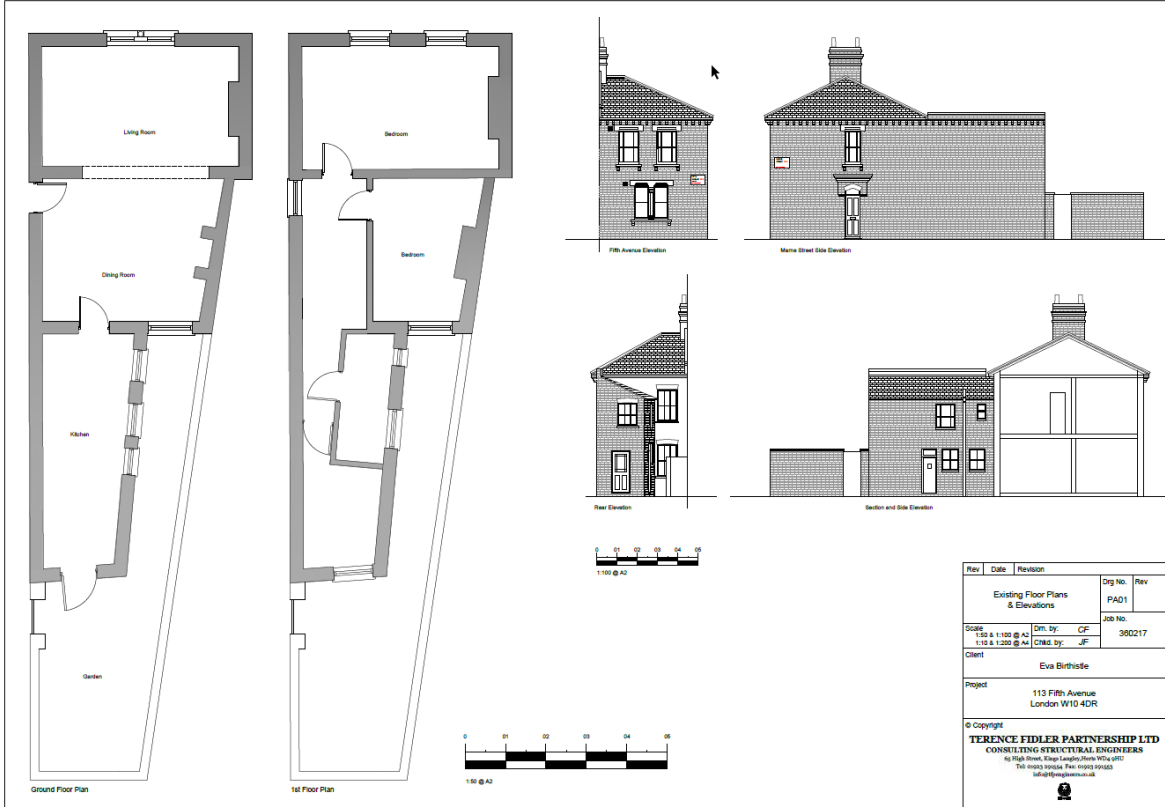
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SAM GERSTEIN BY EMAIL AT [sgerstein@westminster.gov.uk](mailto:sgerstein@westminster.gov.uk)

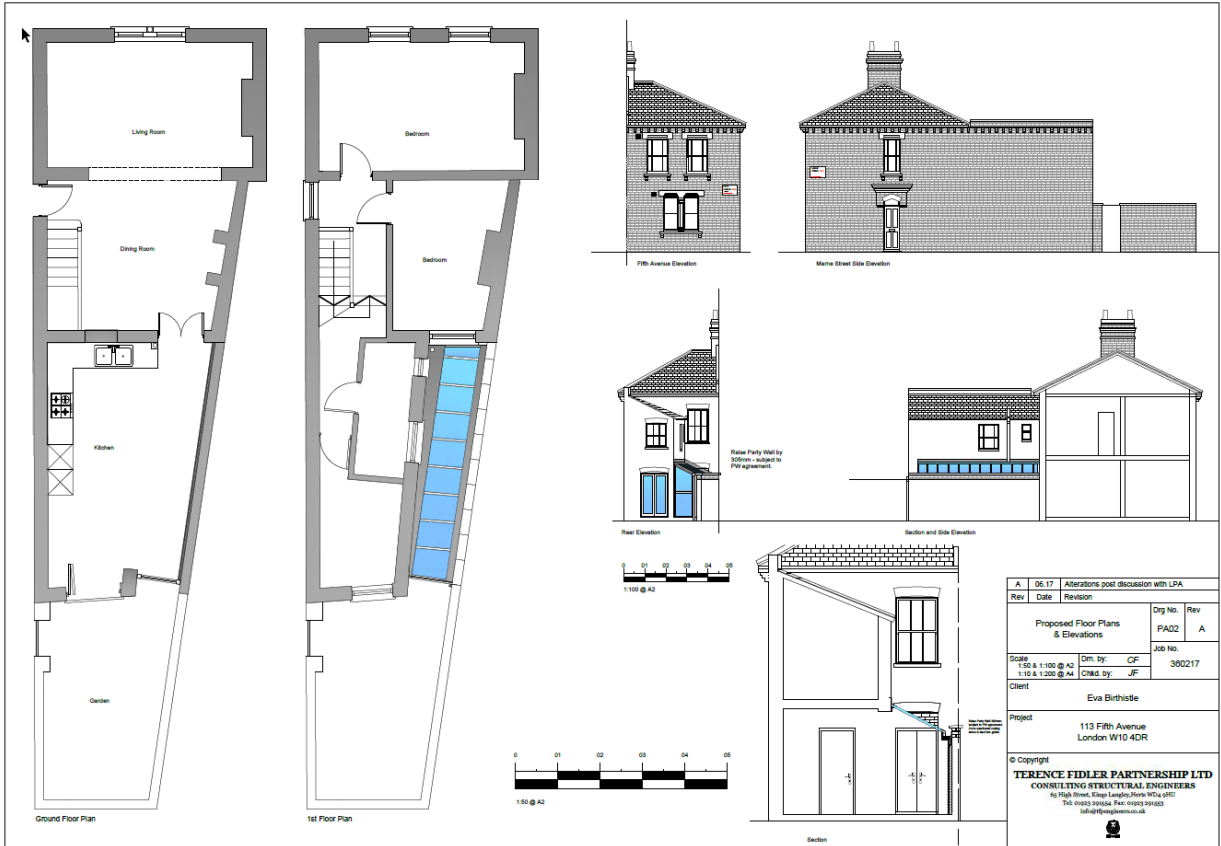


### 10. KEY DRAWINGS

#### Existing floor plans and elevations



#### Proposed floor plans and elevations



**DRAFT DECISION LETTER**

**Address:** 113 Fifth Avenue, London, W10 4DR  
**Proposal:** Erection of a single storey side in fill extension.  
**Reference:** 17/02978/FULL  
**Plan Nos:** Site location plan; PA01; PA02/A.

**Case Officer:** Tom Burke

**Direct Tel. No.** 020 7641 2357

**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 piling, excavation and demolition 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 piling, excavation and demolition 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 unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of full details of the following parts of the development: , framing details and colour finish to the infill extension both to the garden-facing panel and roof. , 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 according to these approved details.

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queen's Park Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queen's Park Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**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 (November 2016), 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**

**Address:** 113 Fifth Avenue, London, W10 4DR  
**Proposal:** Erection of a single storey side in fill extension.  
**Reference:** 17/02979/LBC  
**Plan Nos:** Site location plan; PA01; PA02/A.

**Case Officer:** Tom Burke

**Direct Tel. No.** 020 7641 2357

**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 apply to us for approval of full details of the following parts of the development:
- i) framing details and colour finish to the infill extension both to the garden-facing panel and roof;
  - ii) detailed finish of modified sash window both internally and externally.

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 according to these approved details.

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Queen's Park Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- the original internal door between the current kitchen and the living room must be retained, but can be shown fixed shut as part of a blocking of the current opening.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 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 building and to make sure the development contributes to the character and appearance of the Queen's Park Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**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 March 2016, Westminster's City Plan (November 2016), 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 special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , \* any extra work which is necessary after further assessments of the building's condition;, \* stripping out or structural investigations; and, \* any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)



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.