

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 July 2015	Classification For General Release	
Report of Director of Planning		Wards involved Bayswater	
Subject of Report	43 Artesian Road, London, W2 5DB		
Proposal	Alterations to rear garden walls, increase parapet height to second floor rear extension and erection of rear outbuilding.		
Agent	Potter & Holmes Architects		
On behalf of	Ms Deborah Bartlett		
Registered Number	15/04048/FULL	TP / PP No	TP/25593
Date of Application	08.05.2015	Date amended	19.05.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.





43 ARTESIAN ROAD, W2



View of rear garden and view of closet wing from No.45

43 ARTESIAN ROAD, W2

2. SUMMARY

Permission is sought for alterations to rear garden walls, increasing the parapet height to closet wing and the erection of rear outbuilding at the end of the garden. The application has been amended to delete the new wall and balustrade to the closet wing addition in order to address the objections raised on overlooking grounds. Objections have been received to the increase in the height of the garden walls, the height and scale of the outbuilding at the end of the garden which is considered to be overdevelopment and have an adverse impact on neighbours.

The key issues in this case are:

- The impact of the proposal on the amenities of adjoining residents.
- The impact of the proposal on the appearance of this house and on the character and appearance of this part of the Westbourne Conservation Area.

The proposed development is considered to comply with the Council's policies in relation to design and amenity, and it is recommended that permission is granted subject to the conditions set out in the draft decision letter.

3. CONSULTATIONS

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Object to the application due to the loss of privacy. The proposed drawings are too fragmented and question why the whole house is not drawn.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 29; Total No. of Replies: 5.

Five responses received objecting on all or some of the following grounds:

Land Use

- Overdevelopment of the site.

Design

- The outbuilding is out of character with neighbouring gardens and character and appearance of the conservation area.

Amenity

- Creation of a roof terrace at second floor level will overlook and result in a loss of privacy to Nos. 39, 41 and 45 Artesian Road.
- Raised parapet wall will result in loss of light and overshadowing to No. 41.
- Change of use of the flat roof to a terrace is not consistent with other houses in the terrace, and this flat roof has not been used as a terrace.
- Use as a terrace will cause noise and disturbance to residents.
- Terraces to the rear of these houses have been consistently refused by the City Council.
- Applicant's Design and Access Statement refers to a second floor terrace with a balustrade at No. 45, but this is misleading, as there is a condition that prevents this roof being used as a terrace.
- The proposed new summer house at the end of the garden will have an overbearing impact given the small scale of the existing garden. The structure will tower over the garden fences.
- Conditions could be attached for a smaller non full width outbuilding structure which does not extend above the existing 2.6m boundary fence.

- The scale and height of the garden walls, misleading information on the submitted drawings, increase in height of garden walls will result in loss of light to Nos. 39 and 41 Artesian Road, incorrect measurements.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site is a three storey mid terrace unlisted house located on the south side of Artesian Road, situated within the Westbourne Conservation Area. The rear garden backs onto the side elevation of a commercial office building and there is a small shed at the end of the garden.

4.2 Planning History

Permission was granted for the erection of a mansard roof extension on 14.1.2015.

5. THE PROPOSAL

Permission is sought for alterations to rear garden walls and to erect a full width outbuilding at the end of the rear garden.

The application originally proposed the erection of new wall and balustrading around the second floor flat roof in order to create a roof terrace. The new wall and balustrading have been deleted, and the revised proposal now seeks to increase the height of the parapet walls by 400mm.

The works to the garden walls include removing the existing brick wall with No. 45 and building a new brick wall with render to both sides to a height of 2655mm. In respect of the boundary with No. 41, it is proposed to build a new wall off the existing wall to 2420mm high, which will be rendered finish.

6. DETAILED CONSIDERATIONS

6.1 Land Use

There are no objections in land use terms to the proposed alterations and outbuilding to this house.

6.2 Townscape and Design

Outbuilding

Objections have been received to the scale and the impact of the summer house/outbuilding located at the end of the garden and that it represents overdevelopment.

The proposal is for a brick built structure with a single timber door, located at the end of the garden abutting the side brick wall of the office building. The outbuilding is shown to 2675mm high, 1500mm deep and spans the full width of the garden

Although it covers the full width of the garden, it is considered to be acceptable in terms of its footprint and design. During the course of the application, the height of this structure was reduced to address the concerns of neighbours (as set out in Section 6.3 below), and the

proposal is considered in keeping with the host building and will not harm the appearance and character of this part of the Westbourne Conservation Area.

The proposal therefore complies with Policies S25 and S28 in the City Plan and DES1, DES5 and DES9 in the UDP.

Other Alterations

It was originally proposed to erect a solid boundary wall on the east side and balustrading on the south and western sides of the closet wing at second floor to create an enclosed roof terrace. This element attracted a number of objections and has now been deleted from the application.

The applicant needs to address drainage issues on the flat roof and it is now proposed to raise the parapet walls by 400mm to accommodate additional insulation and flashing. In design terms, there are no objections to these alterations.

6.3 Residential Amenity

Loss of Light/Enclosure

Despite the objections received, it is not considered that the outbuilding at the end of the rear garden will result in any material loss of light to neighbours. The height of this structure has been reduced in order to address a number of the concerns raised.

It is recognised that the existing rear garden is small, and this brick built structure at 2.675m high will be visible above the height of the garden walls from neighbouring houses and gardens. However, it is not considered to result in such a material increase in the sense of enclosure to warrant refusal of permission.

This outbuilding at 2.675m is just marginally taller than what can be built under permitted development rights (2.5m in the case of a building/enclosure within 2m of a boundary) under Class E of the General Permitted Development Order 2015.

Overlooking

The objections related to the roof terrace at second floor level, and this aspect has now been deleted.

There is a door leading onto the existing flat roof, but use of this flat roof is very limited by the lack of any safety balustrading.

The revised scheme, whilst it does involve raising the parapet, is not high enough to require satisfying Building Regulations which require a height of 1.1m and a condition is being imposed to ensure that the flat roof is not used as a terrace.

It is not considered that the slight increase in the parapet will result in any material loss of light to Nos. 41 and 45 Artesian Road.

6.4 Transportation /Parking

Not relevant in the determination of this householder planning application.

6.5 Economic Considerations

Not relevant in the determination of this householder planning application.

6.6 Equalities and Diversities

Not relevant in the determination of this householder planning application.

6.7 Westminster City Plan /UDP Considerations

The proposal does not raise any other policy issues.

6.8 London Plan

Not relevant in the determination of this householder planning application.

6.9 Central Government Guidance

Regard has been had to the relevant advice in the National Planning Policy Framework (NPPF).

6.10 Planning Obligations

Not relevant in the determination of this householder planning application.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

Not relevant in the determination of this householder planning application.

6.12 Other Matters

One of the objectors has questioned the accuracy of the plans and the garden wall is higher. The proposal seeks to increase the height of the garden walls to a maximum height of 2420 mm on the east side (measured from the ground level of No. 43). It would appear that the objector has taken the measurements from their side of the boundary where the ground level is lower.

BACKGROUND PAPERS

1. Application form.
2. Response from Notting Hill East Neighbourhood Forum undated.
3. Response from 39 Artesian Road, London W2.
4. Response from 41 Artesian Road, London W2.
5. Response from 53 Artesian Road, London W2.
6. Response from 53 Artesian Road, London W2.
7. Response from 55 Artesian Road, London W2.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – acoulson@westminster.gov.uk

DRAFT DECISION LETTER

Address: 43 Artesian Road, London, W2 5DB

Proposal: Alterations to rear garden walls, increase parapet height to second floor rear extension, erection of rear outbuilding.

Plan Nos: EX-001 Rev D, EX-002 Rev C, PL-010 Rev E, PL-011 Rev E, PL-012 Rev G, PL-013 Rev E. Design and Access Statement.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

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

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 rear closet wing 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)

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.

Check all dimensions on site before application or setting out.
The contractor is responsible for any and all measurements without permission of the architect.

D Green Wall Locations (optical) 10/06/15 SDJ / FY
 G Garage Down, Update to Internal 22/04/16 SDJ / FY
 B Update to secondary walls and corner lines 18/03/15 SDJ / FY
 A Materials: Timber & Unstain to Kitchen (door location) 21/11/14 NY / JZ
 Approved for Planning 14/06/15

INFORMATION

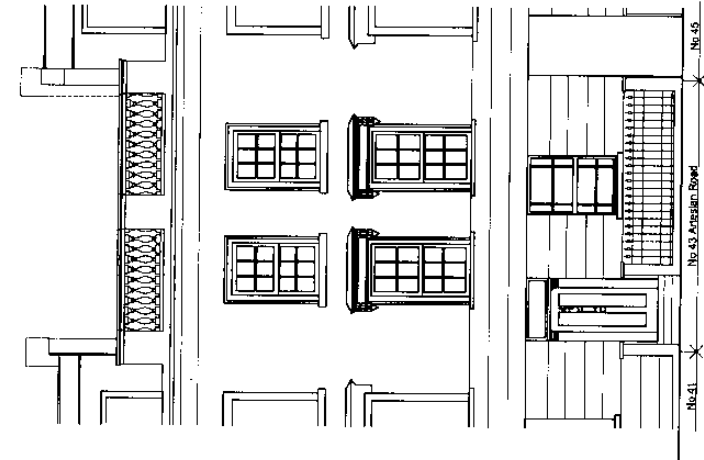
DEBORAH BARTLETT
 43 ARTESIAN ROAD
 LONDON W2 5DB

Floor Plans
 As Existing

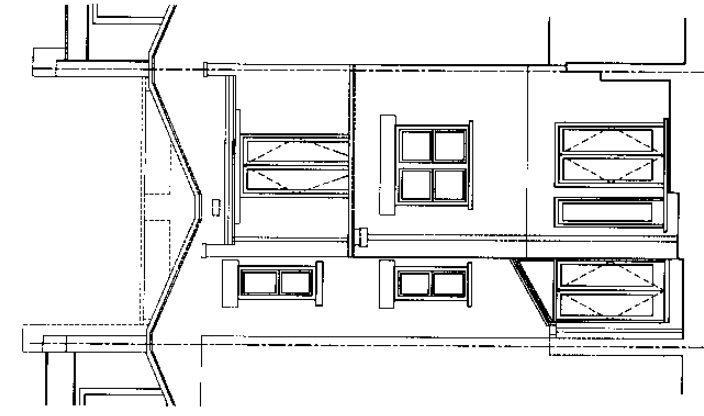
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Potter & Holmes architects
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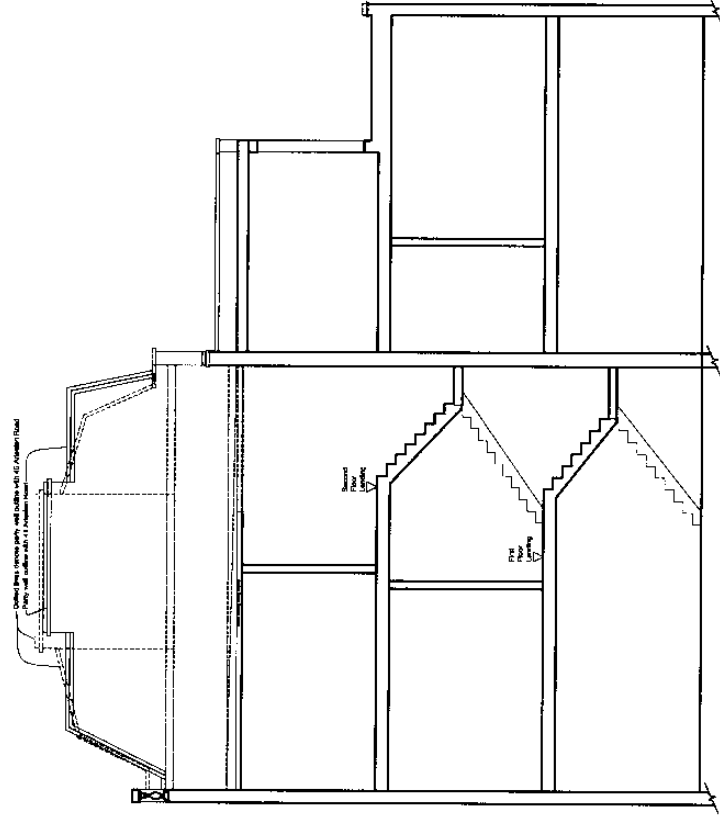
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 Date:



1 Front Elevation
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2 Rear Elevation
 Scale: 1:100



3 Section
 Scale: 1:100

C. Update to Rear Elevation after: 22.04.15, S23 IV
 Rev. No. 07.04.15
 B. Issue for Construction: 15.03.15, S23 IV
 A. Issued for Tender: 11.03.15, S23 IV
 Issued for Planning: 21.11.14, IV, JOK
 Date: Rev. Description

INFORMATION

Architect:	DEBORAH BARTLETT
Address:	43 ARTESIAN ROAD LONDON W2 5DB
Project Name:	Elevations and Section As Existing
Client Name:	L1422 EX-002 C
Scale:	1:100 @ A3

Potter & Holmes
 architects

100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200



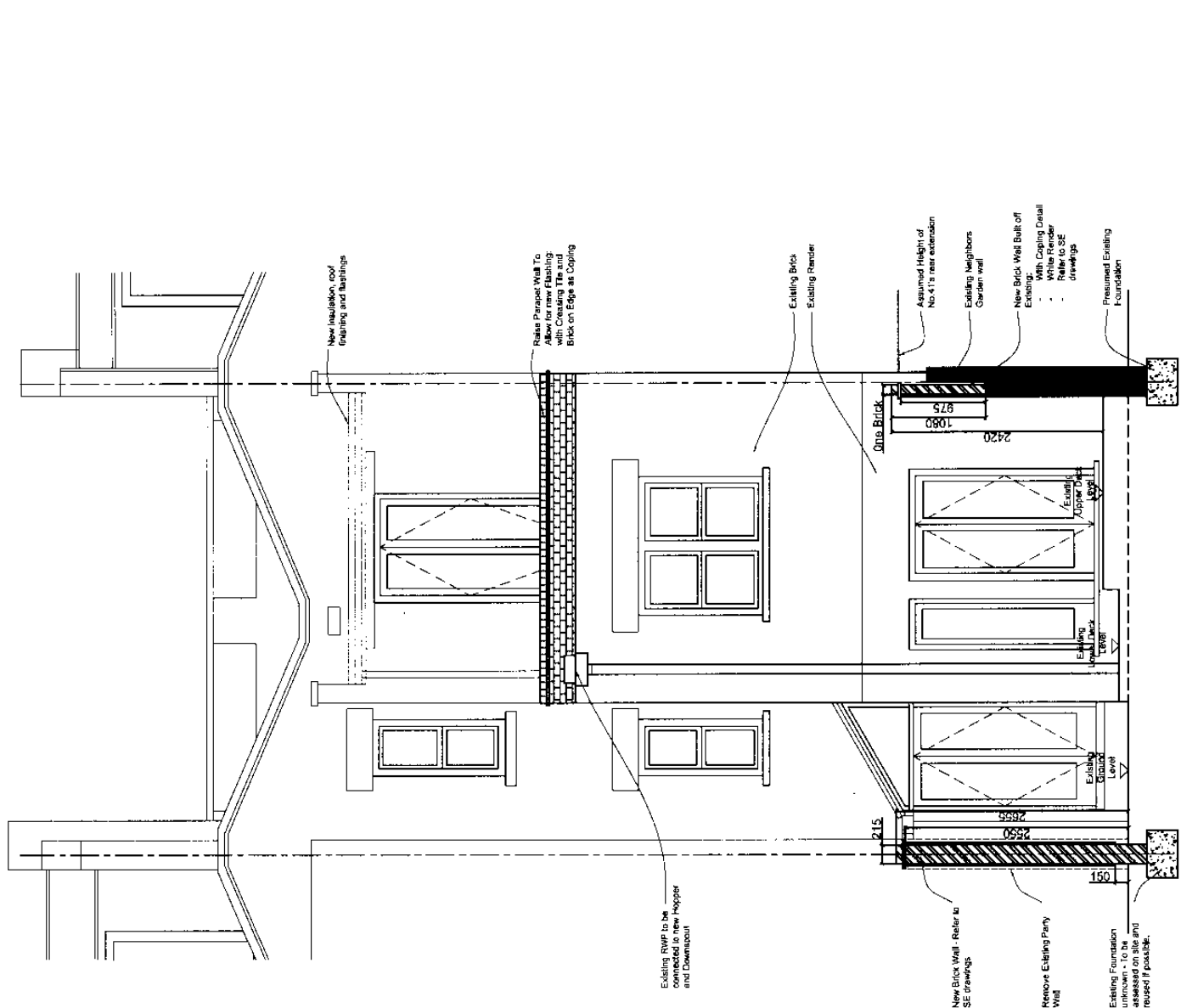
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1:50 @ A3

PLANNING

E. Issued for PLANNING (Revised) 18.07.15 SDJ / Y
 D. Final Revision 18.05.15 SDJ / Y
 C. Issued for Planning 14.05.15 SDJ / Y
 B. Issued for Planning 07.03.15 SDJ / Y
 A. Issued for Client Comment 22.04.15 SDJ / Y
 Issued to Garden Wall Shop
 Issued for Client Comment 18.07.15 SDJ / Y

DEBORAH BARTLETT
 43 ARTESIAN ROAD
 LONDON W2 5DB
 GARDEN & SECOND FLOOR TERRACE
 PROPOSED REAR ELEVATION & GARDEN WALL SECTION
L1422 PL-011 E
 Scale: 1:50 @ A3
Potter & Holmes architects



1 Rear Elevation
 Scale: 1:50

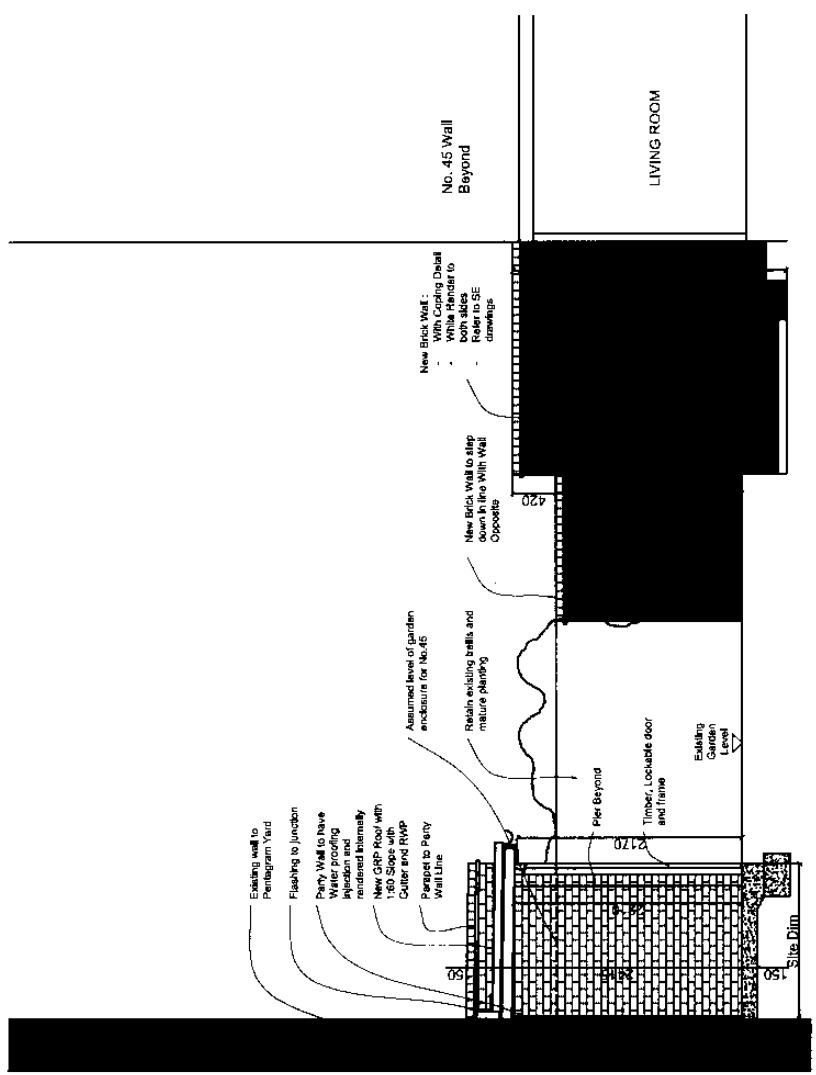
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<p>PLANNING</p> <p>DATE: 01.07.15 SDJ / BY: [Redacted]</p> <p>ISSUED FOR PARTY WALL: 02.08.15 SDJ / BY: [Redacted]</p> <p>ISSUED FOR PLANNING: 14.05.15 SDJ / BY: [Redacted]</p> <p>ISSUED FOR CONSTRUCTION: 14.05.15 SDJ / BY: [Redacted]</p> <p>PROJECT: Garden & Second Floor Terrace Garden Shed Wall Elevation 02</p> <p>DATE: 07.05.15 SDJ / BY: [Redacted]</p> <p>ISSUED FOR PLANNING - SHED: 22.04.15 SDJ / BY: [Redacted]</p> <p>ISSUED FOR CONSTRUCTION: [Redacted]</p>	<p>PLANNING</p> <p>DATE: 01.07.15 SDJ / BY: [Redacted]</p> <p>ISSUED FOR PARTY WALL: 02.08.15 SDJ / BY: [Redacted]</p> <p>ISSUED FOR PLANNING: 14.05.15 SDJ / BY: [Redacted]</p> <p>ISSUED FOR CONSTRUCTION: 14.05.15 SDJ / BY: [Redacted]</p> <p>PROJECT: Garden & Second Floor Terrace Garden Shed Wall Elevation 02</p> <p>DATE: 07.05.15 SDJ / BY: [Redacted]</p> <p>ISSUED FOR PLANNING - SHED: 22.04.15 SDJ / BY: [Redacted]</p> <p>ISSUED FOR CONSTRUCTION: [Redacted]</p>
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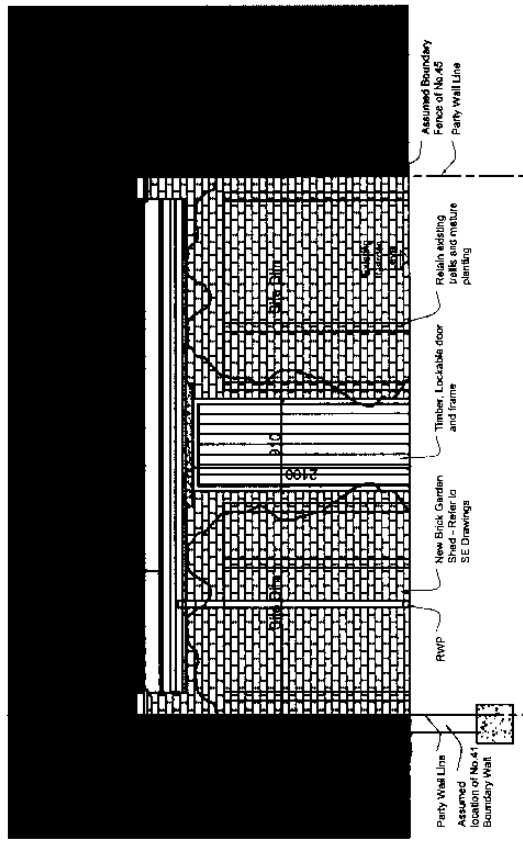
POTTER & HOLMES architects

43 ARTESIAN ROAD
 LONDON W2 5DB

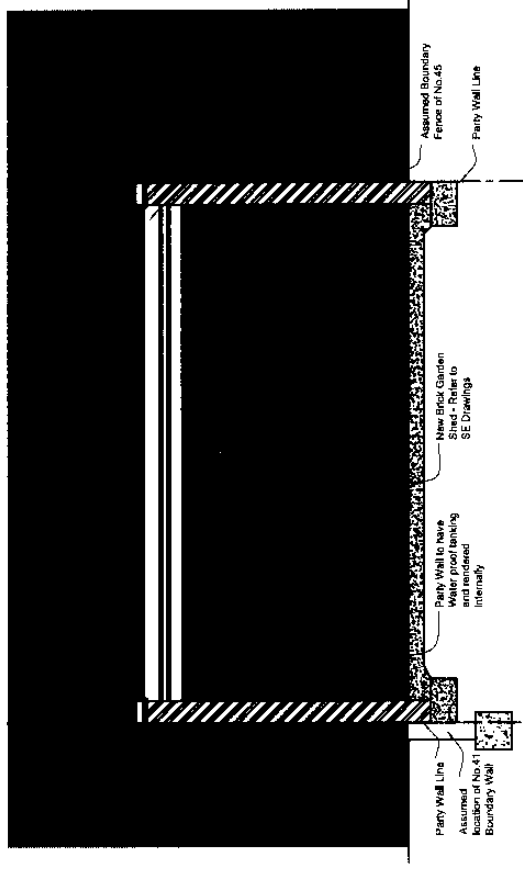
1422 PL-013 E



1 Garden Wall Elevation 02
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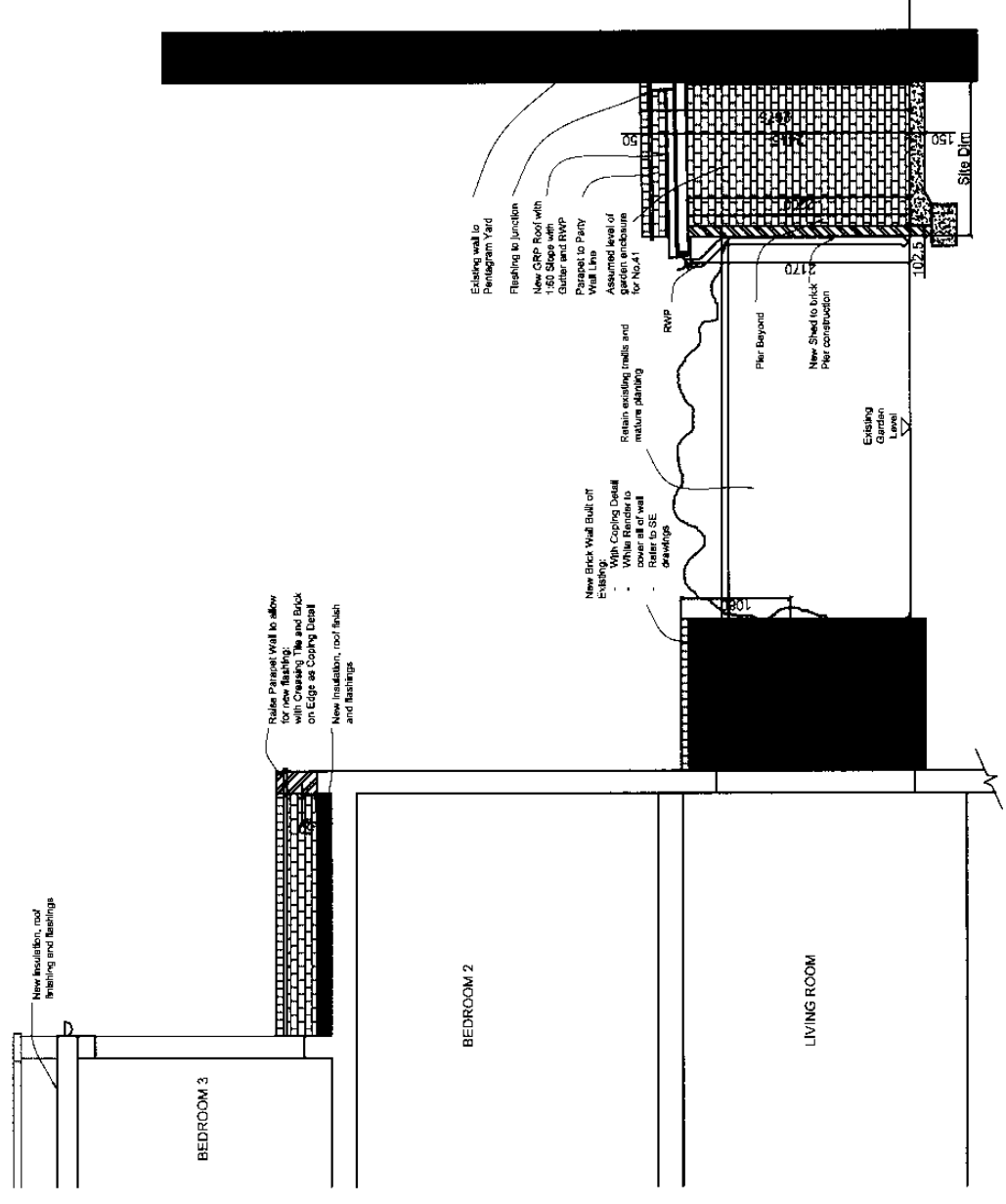
2 Garden Shed Elevation 01
 Scale: 1:50



3 Garden Shed Long Section
 Scale: 1:50

Scale 1:50
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Check all dimensions on this before fabrication of walling etc.
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1 Garden Wall Elevation 01
 Scale: 1:50

Scale 1:50
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Date	Issue	Drawn	Checked
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02.06.15	SDU, IV		
02.06.15	SDU, IV		
19.05.15	SDU, IV		
14.05.15	SDU, IV		
27.05.15	SDU, IV		
22.04.15	SDU, IV		
19.03.15	SDU, IV		

PLANNING

DEBORAH BARTLETT
 43 ARTESIAN ROAD
 LONDON W2 5DB
 GARDEN & SECOND FLOOR TERRACE
 PROPOSED GARDEN WALL ELEVATION 01

Client: DEBORAH BARTLETT
 Project: GARDEN & SECOND FLOOR TERRACE
 Drawing No: L1422 PL-012 G
 Scale: 1:50 @ A3

Potter & Holmes architects
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000